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Analysis of

WORKERS' COMPENSATION LAWS

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From a declaration of principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations.

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FOREWORD

The 1993 edition of *Analysis of Workers' Compensation Laws* offers an overview of the important provisions of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Sixteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the laws of the 50 states, the District of Columbia, Guam, and Puerto Rico, as well as the statutory provisions of American Samoa and the U.S. Virgin Islands. Full treatment is also provided for the federal, provincial, and territorial laws of Canada.

Although the *Analysis* provides essential information needed daily in many business offices, it should not be considered as supplanting exact provisions to be found in statutory texts.

The underlying data required to bring together this publication were supplied by legislative reporting services, insurance companies, and government officials in the states and jurisdictions. Additional assistance came from the Social Security Administration, and U.S. Department of Health and Human Services.

The research, analysis, and editing of the charts and text was furnished by Noelle Fahey, Research Analyst, Resources Policy of the U.S. Chamber of Commerce. For further information, you can write to her at 1615 H Street, N.W., Washington, D.C. 20062 or phone (202) 463-5533.

All contributions to this publication are gratefully acknowledged.

INTRODUCTION

HISTORY OF WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY

Workers' compensation laws are designed to provide satisfactory means of handling occupational disabilities. A 20th century development in North America, the laws have evolved as the economy became more industrial and less agricultural.

Before these laws were enacted, a well-established common-law principle held that a master or employer was responsible for injury or death of employees *resulting from a negligent act by him*. Thus, disabled workers who sued employers for damages had to prove their injuries were due to employer negligence—a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses—contributory negligence, assumption of risk, negligent acts of fellow servants—operated too harshly on claims of disabled workers. The situation led to demands for new legal provisions.

As a result, between 1900 and 1910 so-called employer's liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

A new answer was forthcoming: In 1911 the first workers' compensation laws were enacted in the United States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

Today, each of the 50 states, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands has a Workers' Compensation law. Federal workers' compensation laws have also been enacted, American Somoa, Guam, Puerto Rico and the U.S. Virgin Islands: for example, the District of Columbia Workmen's Compensation Act, the Federal Employees' Compensation Act, and the Longshoremen's and Harbor Workers' Compensation Act—the latter providing for private or public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production—chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws:

1—Provide sure, prompt, and reasonable income and medical benefits to work-accident victims, or income benefits to their dependents, regardless of fault;

2—Provide a single remedy and reduce court delays, costs, and workloads arising out of personal-injury litigation;

3—Relieve public and private charities of financial drains—incident to uncompensated industrial accidents;

4—Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;

5—Encourage maximum employer interest in safety and rehabilitation through an appropriate experience-rating mechanism; and

6—Promote frank study of causes of accidents (rather than concealment of fault)—reducing preventable accidents and human suffering.

To what extent have the laws achieved desired objectives? Answers to this vary from state to state and depend on many factors, including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the Commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled "essential." Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found that existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States.

The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by setting federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level, however.

INTRODUCTION
GENERAL INFORMATION

This analysis of workers' compensation laws attempts to provide a ready reference to the statutory provisions found in the federal, state, and territorial laws of the United States and the federal, provincial, and territorial laws of Canada. American Samoa, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands are included.

In the following pages, 16 charts will be found grouped under three categories:

- *Coverage of Laws*, listing the various requirements pertaining to employments, injuries, and diseases (Part I);
- *Benefits Provided*, detailing the required income replacement benefits and medical benefits (Part II);
- *Administration of Laws*, grouping the many administrative requirements and safeguards (Part III).

COMMENTS ON CHARTS

Complete up to January 1, 1993, the charts on the following pages present the statutory provisions of the workers' compensation laws as amended. The effects of many decisions—by courts and administrative agencies—have been taken into account in interpreting these laws.

All provisions presented by the charts in this booklet have required study and interpretation to reduce them to the brief statements found in the charts. In some cases space does not permit sufficient explanation to clarify all points. In such cases it is suggested that the text of the law should be examined.

For an explanation of the abbreviations used in the charts and a note on benefit computations, see page 53.

FEDERAL AND DISTRICT OF COLUMBIA LAWS

Two federal workers' compensation laws are charted. The Federal Employees' Compensation Act (F.E.C.A.) governs compensation of all employees of the United States government. The Longshore and Harbor Workers' Compensation Act provides job disability benefits for all U.S. maritime employment and certain others. Courts have held that the Longshore Act does not apply to maritime employment in Puerto Rico, however.

Entries for the District of Columbia are derived from the District of Columbia Workers' Compensation Act, a D.C. enactment replacing the Longshore Act, effective July 26, 1982. D.C. government employees are covered by a separate D.C. enactment that replaces the F.E.C.A. The law for D.C. government workers is not charted except where it differs materially from the F.E.C.A.

The charts do not cover the federal Black Lung Act, the disability provisions of the Social Security program, the Federal Employer's Liability Act (Jones Act), or veterans' benefits.

CANADIAN LAWS

This booklet includes an analysis of the Canadian federal and provincial workers' compensation acts. Each province and territory administers its own act or ordinance. The federal Merchant Seamen's Compensation Act is charted, also.

Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Labour Canada. Compensation is paid by the Canadian government, but the amount is determined by the workers compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government Employees' Compensation Act except where it differs materially from the provincial acts.

ANNUAL COST

Reporting in *Social Security Bulletin*, the U.S. Department of Health and Human Services estimated that employers spent over $53.1 billion in 1990 to insure or self-insure their work-injury risks. This was $5.2 billion, or 10.8 percent higher than the 1989 cost of workers' compensation. The prior year, the increase in cost was also 10.8 percent. The average cost per $100 of payroll was $2.36 for 1990, compared with $2.27 in 1989.

Medical costs totaled $15.2 billion in 1990. Compensation payments amounted to $23.1 billion or about 60.3 percent of all workers' compensation payments, which totaled $38.2 billion. Figures for 1991 were not available at the time of publication.

HIGHLIGHTS

The United States Congress and legislatures in 44 states convened in 1992.

Benefits: Maximum indemnity benefit levels increased in 43 states, the District of Columbia and Virgin Islands as well as under the Longshore Act and F.E.C.A. Forty-two states, the District of Columbia, Virgin Islands, and Longshore Act now provide for the automatic adjustment of the maximum annually, based upon the state average weekly wage. Two other states change the maximum level more than once annually. In 43 states, the District of Columbia, Guam, and Virgin Islands, the maximum weekly benefit now equals or exceeds 66-2/3 percent of the statewide average weekly wage for temporary total disability cases. Of these 29 pay 100 percent or more.

Federal Legislation: In 1992, legislation to reform the Occupational Safety and Health Act (OSH Act) was introduced in both houses of Congress. In the Senate, S. 1622, was co-sponsored by Senator Edward Kennedy (D-MA) and Senator Howard Metzenbaum (D-OH). The House version of the OSHA reform bill is H.R. 3160, and Representative William Ford (D-MI) is the sponsor.

Both bills are comprehensive and one included a proposal for a study to "federalize" workers' compensation.

NEXT EDITION OF THE ANALYSIS OF WORKERS' COMPENSATION LAWS

Forty-nine state legislatures and Congress convene in 1993. Undoubtedly, there will be numerous changes in many workers' compensation laws. A complete revision of this publication is printed annually. The 1994 edition will be available in April 1994. It will reflect changes made in workers' compensation laws up to January 1, 1994.

A mid-summer supplement to the *Analysis* is available in 1993. To order the *Annual Supplement to the Analysis of Workers' Compensation Laws, 1993 edition (publication #0339)*, return the special card included with this edition of the *Analysis*, or simply use one of the order forms on page 55 of this book.

PART 1

COVERAGE OF LAWS

A basic and oft-repeated objective of workers' compensation on which there is broad agreement is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic, or administrative reasons no state law covers all forms of employment.

In 1990 the proportion of all wages and salary employees covered by job-injury laws was 87 percent representing 95.1 million workers. Covered payrolls amounted to approximately $2.115 trillion, or approximately 84 percent of total civilian wage and salary disbursements. Charts I through III delineate the statutory employment coverage requirements.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to "personal injury caused by accidents arising out of and in the course of employment."

Although the test is fairly uniform, its interpretation has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. The states have therefore amended their statutes to provide coverage of all occupational diseases. Chart IV portrays the status of the laws on this point.

TYPE OF LAW: CHART I

Compensation laws are compulsory or elective. Under an elective law, the employer may accept or reject the act, but if he rejects it he loses the three common-law defenses—assumption of risk, negligence of fellow employees, and contributory negligence. Practically, this means that all the laws, in effect, are "compulsory." A compulsory law requires each employer within its scope to accept its provisions and provide for benefits specified. Coverage is still elective in only three states: New Jersey, South Carolina and Texas.

Suits for Damages—Under workers' compensation acts employers generally are exempted from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so severe as to make the privilege virtually inoperative. In a few states, however, courts have created exceptions to the exclusive remedy rule under certain circumstances.

INSURANCE REQUIREMENTS: CHART I

Security for Payment of Benefits—Most jurisdictions require employers to obtain insurance or prove financial ability to carry their own risk.

Chart I notes provisions relating to (1) insurance requirements, (2) penalties for failure to insure, and (3) whether self-insurance or group self-insurance is permitted.

Six states, two U.S. territories, and most provinces require employers to insure in a monopolistic state or provincial fund; in some instances, employers may qualify as self-insurers. Five of the six monopolistic state funds were created between 1913 and 1915, when the principles of workers' compensation were still new. In 1990, state funds collected $7.9 billion in premiums.

The U.S. Chamber of Commerce advocates that employers be permitted to buy private insurance if they so desire and that employers who can qualify be allowed to be self-insurers. Chamber policy states:

"Insurance is an integral part of private enterprise. Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted."

Self-Insurers—Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies. Thirty-two states and the Longshore Act authorize group self-insurance for smaller employers who pool their risks and liabilities. Employers spent approximately $8.0 billion in 1990 on self-insurance.

Self-insurance operates best when an employer has a spread of risks so large that he may benefit from the law of large numbers. It is necessary and desirable that the self-insurer establish his own protective services—similar to those insurance companies would furnish for safety engineering and claims adjustment. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in 47 states—as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out—as cash or medical benefits—are deductible. In many cases insurance is purchased because such purchase can dispose of the item of expense and future cost in the current year.

PRIVATE AND PUBLIC EMPLOYMENTS: CHART II

Virtually all industrial employment is covered by workers' compensation. Chart II shows this in detail; also it indicates the extent of coverage for public employment.

Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants, and casual employees usually are exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or by administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may seek damages under the Federal Employer's Liability Act.

MINORS: CHART III

Minors are covered by workers' compensation. Some jurisdictions provide double compensation or added penalties—as shown in Chart III. In many states minors also enjoy special legal protections. These are specifically noted for each state.

OCCUPATIONAL DISEASES: CHART IV

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage extends to all diseases arising out of and in the course of employment. Most states do not provide compensation for a disease that is an "ordinary disease of life" or which is not "peculiar to or characteristic of" the employee's occupation.

Chart IV outlines provisions governing occupational disease in each jurisdiction. Generally, compensation is the same as for traumatic injuries (see Part II). Medical care is unlimited. A few states that do not provide permanent partial disability benefits for certain diseases are charted under the heading "Compensation."

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, certain diseases may be latent for considerable time. As Chart IV notes, most states have extended periods in which claims may be filed concerning latent, slowly developing occupational diseases.

Some states impose special restrictions regarding disability resulting from exposure to coal dust, asbestos, silica, or radiation. A number of states have established presumptions for police and firefighters who have heart attacks or respiratory conditions, but no attempt is made to chart them.

OCCUPATIONAL HEARING LOSS: CHART V

The difficulty of distinguishing between work-related permanent hearing loss and loss of hearing caused by nonoccupational factors has resulted in enactment of special provisions in certain states, as shown in Chart V. Entries include the threshold for compensable loss of hearing, minimum exposure requirements, and deductions for loss caused by aging (presbycusis).

OTHER CONSIDERATIONS

A. Accident Prevention—The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, state funds and safety agencies, and employers. A second general role is to provide a monetary incentive to employers to improve their safety records. Here the insurance premium structure is a primary force.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs of continuing benefit. Benefits are found in lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest beneficiaries are those kept from industrial accidents through application of effective loss-prevention engineering methods.

B. Ratemaking Service Organizations—Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout American business is collected by ratemaking service organizations. In eleven states, there are independent rating organizations, and, in the remaining states, excluding those with monopolistic state funds, a national organization, the National Council on Compensation Insurance, exists to collect data and prepare manual rates. The rates prepared by all rating organizations generally are used as a basis for premium charges made by stock and mutual companies.

Member companies of the ratemaking service organizations report experience incurred under workers' compensation policies. This experience serves only as a basis for workers' compensation rate determinations and is subject to the final approval of each states' regulatory authority.

Rating organization manuals are standard with all insurance companies writing business in each state where such organizations are licensed to perform ratemaking services. These manuals set forth rules, procedures, and rates applicable to workers compensation insurance. Where statutes provide for rate regulation by a state supervising authority, revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. The supervising authority must approve the rates carriers charge. All states now provide for rate regulation by state authority. In Canada rates are in the form of an assessment—established by each provincial compensation board annually by class of risk.

As set forth in these manuals, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

C. Injuries Outside the Jurisdiction—Frequently, when a worker's occupation takes him into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial—either by specific provisions or court decision. Answers depend on provisions of the particular laws involved and require consideration of circumstances—such as place and nature of employment, place where contract was made, employee's residence, and employer's place of business.

D. Civil Defense and Other Volunteers—Many states have laws to compensate civil defense and other volunteer workers (such as firemen) injured in line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

E. Black Lung Act—The Federal Black Lung Act (Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended in 1972, 1978, and 1981) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers in the U.S. Department of Labor's Office of Workmen's Compensation Programs and by the Social Security Administration.

Effective January 1, 1992, monthly benefit payments range from $463.30 to $806.60, computed at 37-1/2 percent of the monthly pay for federal employees at GS 2, Step 1, plus an allowance for dependents equal to 50%, 75%, or 100% of the basic benefit, for 1, 2, or 3 or more dependents, respectively.

A total of almost $7.5 billion in black lung payments were made to claimants from 1974 to 1990. In fiscal year 1991, over $566 million was paid to approximately 87,000 claimants each month.

A Black Lung Disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims where the last employment was prior to 1970 or where no responsible coal mine operator has been identified. The fund remained in deficit by over $3 billion as of January 31, 1992, despite 1981 amendments that doubled the coal tax and revised eligibility criteria in an effort to make the fund solvent.

F. Social Security Disability—The federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last 12 months or result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a 5-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. Effective January 1, 1993, the maximum is $1,324.00 for an individual, family maximum is $1,986.00. Average monthly benefit awarded in December 1992 was $625.70. Cost-of-living increases are effective each December, payable the following January.

Benefits are paid out of the Disability Trust Fund, financed from the federal Social Security tax.

Combined Social Security Disability and workers' compensation benefits may not exceed 80 percent of "average current earnings" prior to disability. The Omnibus Budget Reconciliation Act of 1981 requires that Social Security disability benefits supplement workers compensation unless state law provided for a reverse offset on or before February 18, 1981.

CHART I TYPE OF LAW AND INSURANCE REQUIREMENTS January 1, 1993

JURISDICTION	TYPE OF LAW	INSURANCE	SELF-INSURANCE	PENALTIES ON FAILURE TO INSURE
ALABAMA	Compulsory	Required	Individual and group	Fine of not less than $100 nor more than $1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated and double amount of compensation.
ALASKA	Compulsory	Required	Permitted	Class B or C felony (up to 1 year imprisonment, $10,000 fine, or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
AMERICAN SAMOA	Compulsory	Required	Permitted	Misdemeanor, fine up to $1,000 or imprisonment up to 1 year, or both. Employer liable to suit with defenses abrogated.
ARIZONA	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated. 10% penalty of award, expenses, and attorney's fees, or $500 (whichever is greater) plus 10% interest on amount paid from fund and penalty, award paid from Special Fund, injunction against doing business in state.
ARKANSAS	Compulsory	Required	Individual and group*	$500 fine or 1 year imprisonment, or both; employer liable to suit with defenses abrogated.
CALIFORNIA	Compulsory	Required	Permitted	Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is $1,000 per employee (maximum $100,000). If a claim is filed and an employer has not secured coverage, the employer is liable to pay $1,000 per employee in non-compensable cases and $5,000 per employee in compensable cases. Failure to obey stop order is misdemeanor, penalty is fine up to $1,000, imprisonment up to 60 days, or both. $50 penalty for failure to respond to Director's inquiry. Penalties are paid into Uninsured Employers Fund and constitute lien on employer's assets. Employee may sue for damages with employer's defenses abrogated *and* file for compensation. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.
COLORADO	Compulsory	Required	Individual and group	Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business.
CONNECTICUT	Compulsory	Required	Permitted	Fine of not more than $1,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
DELAWARE	Compulsory	Required	Individual and group	Fine of 10 cents per day per employee (maximum $50, minimum $1 per day). If default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
DISTRICT OF COLUMBIA	Compulsory	Required	Permitted	Civil fine of not less than $1,000 and not more than $10,000.
FLORIDA	Compulsory	Required	Individual and group*	Fine of not more than $500 if upon receiving written notice requesting proof of coverage and employer is unable to prove he has secured coverage and if coverage is not secured within 96 hours of receiving notice. $100/day is assessed until coverage is secured. Also, up to one year imprisonment and employer liable to suit with defenses abrogated, and may be enjoined from doing business.
GEORGIA	Compulsory	Required	Individual and group	Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to $50 per day.
GUAM	Compulsory	Required	Not permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feasors against the employer.
HAWAII	Compulsory	Required	Individual and group	$250 or $10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
IDAHO	Compulsory	Required	Permitted	Misdemeanor. Employer may be liable to penalty of $2 per day per employee or $25 for each day failure continues, and may be enjoined from doing business after 30 days default. If employer has been assessed a penalty within 3 years and continues failure to insure, they shall be liable for $500 for second violation and $1,000 for subsequent violations.
ILLINOIS	Compulsory	Required	Individual and group	Fine of up to $500 for each day's default, employer liable to suit.
INDIANA	Compulsory	Required	Permitted*	Class A infraction—maximum fine $10,000. Uninsured employer may be liable for medical and legal expenses plus double compensation and may be enjoined from doing business.
IOWA	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated and presumption of negligence of employer. In coal mining, employer is liable to penalty of $10 to $100 per day and may be enjoined for further noncompliance.
KANSAS	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated.
KENTUCKY	Compulsory	Required	Individual and group	Failure to secure payment of compensation—claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business.
LOUISIANA	Compulsory	Required	Individual and group	Fine of $250 per employee for the first offense and $500 per employee for the second offense.
MAINE	Compulsory	Required	Individual and group	Employer liable for civil penalty of up to $10,000 payable to Employment Rehabilitation Fund. Corporate employers subject to revocation or suspension of its authority to do business. Class D crime. Employer liable to suit with defenses abrogated.
MARYLAND	Compulsory	Required	Individual and group*	Fine of $500 to $5,000 and/or imprisonment for not more than 1 year. Additional penalty for failure to comply with Commission's orders amounting to 6 months insurance premiums. Employer also liable to suit with defenses abrogated. Other insurers assessed to pay unpaid claims of insolvent insurer. Fine of $300 and 15% penalty on award payable to Uninsured Employers Fund.
MASSACHUSETTS	Compulsory	Required	Individual and group	Fine of not more than $1,500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated. Civil penalties for failure to insure include: Stop-work order, debarred from state and municipal contracts and a $100 per day fine for each day employer operates after stop-work order.
MICHIGAN	Compulsory	Required	Individual and group	Fine of $1,000 or imprisonment for 30 days to 6 months, or both; employer liable for damages.
MINNESOTA	Compulsory	Required	Individual and group	Penalty of $750 if under 5 employees, otherwise $1,500.* Additional penalty 5 times lawful premiums for continued noncompliance. Employer may be enjoined from further employment. Employer to reimburse compensation paid plus 50% penalty. Intentional noncompliance is gross misdemeanor. Employer liable to suit with some defenses abrogated.
MISSISSIPPI	Compulsory	Required	Individual and group*	Fine up to $1,000 or one year imprisonment or both. Employer also liable to suit with defenses abrogated.
MISSOURI	Compulsory	Required*	Individual and group	Employer liable to suit with defenses abrogated. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for amounts paid plus fine of $100 per day for noncompliance after date of injury (up to $5,000).
MONTANA	Compulsory	Required	Individual and group*	Division must enjoin employer from doing business. Double amount of unpaid premiums assessed as penalty (minimum $200). Employer liable for compensation payable up to $50,000. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
NEBRASKA	Compulsory	Required	Permitted*	Employer liable to suit with defenses abrogated. $1,000 fine maximum, 1 year imprisonment, or both; may be enjoined from doing business.
NEVADA	Compulsory*	Required in state fund	Individual	Employer liable to suit with defenses abrogated and may be enjoined from doing business; misdemeanor punishable by a fine up to $500 per offense.
NEW HAMPSHIRE	Compulsory	Required	Individual and group	Penalty of $2,500, plus $100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages. Employer shall be guilty of a misdemeanor.
NEW JERSEY	Elective*	Required	Permitted	Employer liable to suit with defenses abrogated. Misdemeanor, punishable by a fine of not more than $1,000 or not more than 60 days imprisonment or both; plus $25 for each 10-day period but not more than $100 at any one time. Also assessment of $1,000 plus 15% of award up to $5,000 payable to Uninsured Employers Fund.
NEW MEXICO	Compulsory	Required	Individual and group	Employer may be enjoined from doing business and/or fined up to $5,000.

Ark. *Municipalities with more than 70,000 population may self-insure on individual or group basis.

Fla. *Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: "This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."

Ind. *Except as to state and political subdivisions, banks, trust companies, and savings and loan associations.

Md. *Eligibility for group self-insurance is limited to counties, municipalities, and certain private employers.

Minn. *$2,500 and $5,000, respectively, for deliberate failure to insure.

Miss. *All self-insurers must be members of the Mississippi Worker's Compensation Self-Insurer Guaranty Association.

Mo. *Employer engaged in mining must insure only to the extent of maximum liability for 10 deaths in any one accident.

Mont. *Public corporations may establish individual or group self-insurance funds.

Neb. *Group self-insurance permitted for any two or more public agencies.

Nev. *Employee temporarily working in state must prove coverage in another state before beginning work in Nevada.

N.J. *Statutory presumption of compulsory inclusion in every contract of hire since July 4, 1911. To elect not to be covered by the Workers' Compensation Act requires a clear and unambiguous written agreement between employee and employer 60 days prior to the happening of an accident.

CHART I ☐ TYPE OF LAW AND INSURANCE REQUIREMENTS ☐ January 1, 1993 (continued)

JURISDICTION	TYPE OF LAW	INSURANCE	SELF-INSURANCE	PENALTIES ON FAILURE TO INSURE
NEW YORK	Compulsory	Required	Individual and group	Fine of $500 to $2,500 or imprisonment for up to 1 year, or both, with fines to $7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of $250 for each 10-day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage.*
NORTH CAROLINA	Compulsory	Required	Individual and group*	Misdemeanor, punishable by fine of $1.00 per day per employee (maximum $100; minimum $50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.
NORTH DAKOTA	Compulsory	Required in state fund	Not permitted	Misdemeanor punishable by $500 fine, 1 year imprisonment, or both. Uninsured employer liable for damage or injuries or death and cannot avail himself of common law defense. Employer may be enjoined from employing uninsured workers.
OHIO	Compulsory	Required in state fund	Permitted	Minor misdemeanor—fine up to $100. If willful, second degree misdemeanor—fine up to $750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
OKLAHOMA	Compulsory	Required	Individual and group	Fine of $250 per employee for first offense, $500 per employee for second offense, up to $10,000. Penalty of Misdemeanor or up to six months in jail. The Commissioner of Labor can issue cease and desist order against an employer who is cited for two offenses of failing to obtain Workers' Compensation Insurance.
OREGON	Compulsory	Required	Individual and group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Fine up to $1,000 for first violation, to $25 per day for subsequent violations; additional fines to $5,000 based on extent of injury.
PENNSYLVANIA	Compulsory	Required	Permitted	Fine of $500 to $2,000 per day or not more than 1 year imprisonment, or both. Employer liable to suit with defenses abrogated.
PUERTO RICO	Compulsory	Required in territorial fund	Not permitted	Misdemeanor, fine of $500 maximum, or imprisonment for not more than 6 months or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum $10.00).
RHODE ISLAND	Compulsory	Required	Individual and group	Misdemeanor. Fine of $1,000 and/or 1 year imprisonment. Corporate officer liable personally; employer liable to suit with defenses abrogated.
SOUTH CAROLINA	Elective	Required*	Individual and group	If employer does not reject and fails to insure, fine of 10 cents per day per employee (maximum $50, minimum $1 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of $100 to $1,000 or imprisonment of 30 days to 6 months, or both.
SOUTH DAKOTA	Compulsory	Required	Individual and group	Employer liable to suit for damages or double compensation and medical care as benefits.
TENNESSEE	Compulsory	Required	Individual and group	Administrative fine of $5,000 for every 30 days of willful refusal and noncompliance.
TEXAS	Elective	Required*	Not permitted**	Employer liable to suit with defenses abrogated.
UTAH	Compulsory	Required	Permitted	Fine of not more than 1 1/2 times the premium employer would have paid during period of non-compliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employer's Fund plus interest, costs and attorney's fees.
VERMONT	Compulsory	Required	Permitted	Failure to secure compensation—fine up to $50 per day, up to a maximum of $1,500. Fine increases to $150 per day 30 days after notice by Commissioner.
VIRGIN ISLANDS	Compulsory	Required in territorial fund	Not permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to $500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business.
VIRGINIA	Compulsory	Required	Individual and group	Fine of $50 to $1,000. Employer liable to suit with defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits class 2 misdemeanor.
WASHINGTON	Compulsory	Required in state fund	Permitted*	Employer may be enjoined from doing business. Willful failure is misdemeanor—fine is $25 to $100 daily. 50% to 100% of claim cost, plus $500 or twice the unpaid premium (whichever is greater).
WEST VIRGINIA	Compulsory	Required in state fund	Permitted	Employer liable to suit with defenses abrogated, all past premiums plus interest, reimbursement to state fund for claims paid on his behalf for failure to subscribe, may be enjoined from doing business in state.
WISCONSIN	Compulsory	Required	Permitted	Fine of $10 to $100 and double the evaded premium with a minimum payment of $750. Each day is a separate offense. Employer may be restrained from doing business pending compliance. Employer liable for all benefits awarded on uninsured claims.
WYOMING	Compulsory	Required in state fund*	Not permitted	Fine of not more than $750, plus .02% interest per month on unpaid balance. Employer may also be enjoined from doing business. Employer liable to suit with defenses abrogated.
F.E.C.A.	Compulsory	Federal appropriation		
LONGSHORE ACT	Compulsory	Required	Individual and group	Fine of not more than $10,000 or 1 year in prison or both for failure to secure payment of compensation.
ALBERTA	Compulsory	Required in provincial fund	Not permitted	Failure to furnish required security—Board may order employer to cease employment; violation—fine up to $200 daily. Failure to submit statement of wages—up to 15% assessment plus penalty up to half of compensation payable, maximum $500. Failure to pay assessment—up to 24% penalty per annum. Board certificate has same effect as court judgement; employer's goods may be seized.
BRITISH COLUMBIA	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages—compensation payable plus percentage of assessment set by Board. Failure to pay assessment—unpaid amount plus costs of collection and percentage penalty, compensation payable, and employer may be enjoined from operating.*
MANITOBA	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages—maximum fine $500. Failure to submit payroll return statement—employer liable for difference between amount assessed and actual amount, together with interest at prime plus 3% and a penalty of 5% or 10% of the employer's assessment (maximum $5,000). Failure to pay assessment interest of 1.5% per month, compounded monthly, plus employer liable for compensation payable.
NEW BRUNSWICK	Compulsory	Required in provincial fund*	Not permitted	Failure to submit statement of wages—maximum penalty $500 plus percentage fixed by Board. Failure to pay assessment—employer liable for compensation payable plus percentage penalty and costs of collection.
NEWFOUNDLAND	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages—maximum penalty $1,000. Failure to pay assessment—assessment plus costs of collection, and a percentage penalty. Employer may be held liable for costs of claims or injuries during period of default.
NORTHWEST TERRITORIES	Compulsory	Required in territorial fund	Not permitted	Failure to submit statement of wages or to pay assessment—employer liable for compensation payable and assessment, plus percentage of assessment as penalty established by Board or regulations.
NOVA SCOTIA	Compulsory	Required in provincial fund	Permitted*	Employer liable for compensation payable. Failure to submit statement of wages—employer liable for unpaid amount and costs of collection plus 5% penalty; 1% penalty for each month in default; $50 if annual statement. Failure to pay assessment—2% penalty applied on the premium for the first month, plus 1% for each subsequent month in default.
ONTARIO	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages upon commencing operations and at other required times—penalty plus liability for additional percentage of assessment and costs of claim at discretion of Board.
PRINCE EDWARD ISLAND	Compulsory	Required in provincial fund	Not permitted	Failure to report payroll or pay assessment—penalty of $100 per week of default plus 2% of amount unpaid after 1 month and 1% for each additional month. Failure to pay assessment—employer may be prevented from operating.
QUEBEC	Compulsory	Required in provincial fund	Not permitted*	Failure to submit statement of wages upon commencing operations or at other required times—penalty of 5% of the assessment unpaid for the first month plus the interest on the assessment for subsequent months, in addition to a maximum fine of $1,000. Failure to pay assessment, employer liable for 10% of claim cost which cannot be less than $100.

N.Y. *President, secretary and treasurer of a corporation are personally liable for penalties. Corporate officer who failed to obtain insurance ineligible for benefits out of Uninsured Employers Fund (for himself, surviving spouse, or dependents).

N.C. * All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

S.C. *Unless employer rejects.

Texas *If employer accepts.
**Except for state and political subdivisions. Beginning 1/1/93, self-insurance will be permitted upon Commission approval of each inquiry.

Wash. *Group self-insurance permitted for school districts and hospitals.

Wyo. *For "extrahazardous" industries and occupations only.

B.C. *Employer directly liable for compensation if injury was caused by employer's gross negligence or lack of an accident prevention program; maximum $31,382.61.

N.B. *Subject to approval of Lt.-Gov. in Council, Board may make arrangement for insurance or reinsurance.

N.S. *Individuals whose industries falloutside the scope of the WCB of Nova Scotia Act may elect to pay for compensation insurance under the Board's Special Coverage plan.

Quebec *Permitted only for employer operating an interprovincial or international railway or maritime transport firm.

CHART I ☐ TYPE OF LAW AND INSURANCE REQUIREMENTS ☐ January 1, 1993 (continued)

JURISDICTION	TYPE OF LAW	INSURANCE	SELF-INSURANCE	PENALTIES ON FAILURE TO INSURE
SASKATCHEWAN	Compulsory	Required in provincial fund	Not permitted	Failure to submit statements of wages upon commencing operations or at other required times—maximum fine $500. Failure to pay assessment, employer liable for percentage penalty to be established by Board and may be enjoined from operating
YUKON TERRITORY	Compulsory	Required in territorial fund	Not permitted	Upon failure to submit statement of wages upon commencing operations or at other required times and failure to pay assessment, an employer is liable for a percentage penalty established by Board, and employer may be enjoined from operating
CANADIAN MERCHANT SEAMEN'S ACT	Compulsory	Required	At discretion of Board	Failure to insure or cover by other means satisfactory to the Board may cause ship to be detained by Customs

CHART II

COVERAGE OF LAWS

January 1, 1993

JURISDICTION	EMPLOYMENT COVERED		EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS[1]
	PRIVATE	PUBLIC		
ALABAMA	Compulsory as to employers of 5 or more. Elective as to partners or sole proprietors. Corporate officers may reject.	Compulsory as to all public employments except municipalities of less than 2,000 population. Certain school systems and institutions covered.*	Domestic employees and casual employees.	Voluntary for employers of less than 5, including farmers and volunteer fire departments.**
ALASKA	Compulsory as to all employments, including elected or appointed corporate executive officers. Elective as to sole proprietors or members of a partnership.	Compulsory as to state and political subdivisions, members of state boards and commissions, members of the state-organized militia, and volunteer medical technicians. Includes regular firemen if not prohibited by local law. Voluntary as to executive officers of municipal corporations.	Part-time baby sitters, cleaning persons, harvest help or similar transient help, entertainers employed on contractual basis, and commercial fishermen.	Voluntary as to executive officers of a charitable, religious, educational, or other nonprofit corporation. Specialty contractors must maintain coverage in order to obtain or renew registration.
AMERICAN SAMOA	Compulsory as to employers of 3 or more; coverage may be required for all hazardous employments.	Compulsory as to all public employments.		Voluntary as to exempt employers.
ARIZONA	Compulsory as to all employments. Elective for working partners. Employee may reject.	Compulsory as to state, counties, cities, towns, municipal corporations, school districts, and volunteers enumerated by statute.	Domestic servants, casual employees, and real estate licensees.	Voluntary as to sole proprietors and employers of domestic servants. Motion picture business employers and employees may be exempted from law provided equal benefits are provided by insurance in domicile state.
ARKANSAS	Compulsory as to employers of 3 or more. Elective as to partners or sole proprietors.	Compulsory as to state agencies, departments, institutions, counties, cities and towns. Excludes workfare recipients.	Farm labor, domestic servants, casual workers, public charities, vendors, or distributors of newspapers and other publications.	Voluntary as to excepted employments. Compulsory for employments in which two or more employees are engaged in building or building repair work, in which one or more employees of a contractor who subcontracts any part of his contract, and in which one or more employees is employed by a subcontractor.
CALIFORNIA	Compulsory as to all employments. Elective for working members of a partnership and for working officers and directors of a private corporation who are sole shareholders.	Compulsory as to all public employments except clerks and deputies serving without remuneration and to regional occupational centers, programs or school districts offering training to pupils outside attendance area as to enrolled pupils. Volunteers in a sheriff's reserve are covered if locality adopts a resolution stating they are covered.	Charity workers and volunteer member workers at camps, etc., operated by nonprofit organizations. Employer sponsored bowling teams. Domestics who work less than 52 hours during preceding 90 days or earn less than $100. Students in sport events (excludes amateur athletic participants who are not employees).	Voluntary as to excepted employments and sponsoring agencies of Economic Opportunity Programs. Employer not liable for injury due to off duty recreational, social, or athletic activity not part of work related duties.
COLORADO	Compulsory as to all employments. Corporate officer who is 10% shareholder may reject. Elective as to active employer or partner.	Compulsory as to all salaried public employments. Job trainees deemed employees of training institution.	Part-time domestic servants*, casual employees who earn less than $2,000 per year, volunteer ski patrol and instructors, independent real estate salespersons and brokers, and certain independent truckers.	All farm labor covered in 1977. Officers of farm corporation may reject coverage.
CONNECTICUT	Compulsory as to all employments. Corporate officer may reject. Elective as to sole proprietors or partners.*	Compulsory as to all state, public corporations and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and firemen.	Casual employees, outworkers,[3] domestics employed less than 26 hours weekly, officers of fraternal organizations paid less than $100 per year.	Voluntary as to excluded employments.
DELAWARE	Compulsory as to all employments. Up to 4 corporate officer stockholders may reject. Elective as to sole proprietors or partners.	Elective as to state and certain counties, cities and towns.	Domestic servants, casual employees earning less than $300 in 3 months from one household, farm labor.	Elective as to licensed real estate brokers.
DISTRICT OF COLUMBIA	Compulsory as to all employments.	Separate act is compulsory for all public employments, except officers or employees of the United States, state, or foreign government, and uniformed D.C. police or firemen.	Farm labor, casual employees, master or crew of any vessel, and employees of common carrier by railroad in interstate commerce.	Domestic workers covered if employer employs 1 or more for 240 hours or more in a calendar year. Act applies to injuries occuring outside of Washington, D.C. if the employment is principally localized in D.C.
FLORIDA	Compulsory as to employers of 4 or more, 1 or more in construction or construction related trades. Elective as to corporate officers, partners, and sole proprietors, but officers of a construction or construction related company may elect exemption from coverage for up to 3 officers, otherwise must maintain coverage.	Compulsory as to state and political subdivisions (includes volunteers), except elected officials.	Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm labor, professional athletes, owner operator of a motor vehicle who is under written contract with a motor carrier and assumes all responsibility for carrying out that contract, and volunteers (except for government entities but including volunteer firefighters).	Voluntary as to excepted employments. Excludes real estate salesmen, solely on commission. Numerical exemption inapplicable to employees of subcontractors. When a contractor sublets part of his contract, the contractor is responsible for securing and paying coverage for subcontractor.
GEORGIA	Compulsory as to all employers of 3 or more. Elective as to active partners, sole proprietors, or farm employers.	Compulsory as to state, county, municipal corporations, and political subdivisions including school districts. Voluntary as to planning commissions.	Farm labor, domestic servants, employees of common carriers by railroad, casual labor and licensed real estate salesmen and brokers.	Voluntary as to excepted employments.
GUAM	Compulsory as to all industrial employments.*	Compulsory as to paid and voluntary work done for Government of Guam or any political subdivision.	Casual labor and members of Territorial Board of Education.	All contracts of hire in the Territory for work outside the Territory are presumed to allow remedies under the Guam Workers Compensation Law.
HAWAII	Compulsory as to all industrial employments.* Compulsory as to all out of state employers who work in the state.	Compulsory as to all public officials, elective or appointed. Covers public board members.	Volunteers of religious, charitable, or nonprofit organizations. Domestics who earn less than $225 during each quarter in the preceding year. Unpaid corporate officers with 25% + shares of corporation with no employees.	Voluntary as to employments not defined as industrial.
IDAHO	Compulsory as to all employments. Elective as to corporate officers who are 10% shareholders, sole proprietors, and working members of partnership.	Compulsory as to all public employments except officials at secondary school athletic contests. Members of Idaho National Guard will be covered under state law, if not covered under federal law.	Agriculture pursuits, domestic servants, casual labor, indwelling members of employer's family, outworkers,[3] employment not for money, airmen, and commission real estate salesmen and brokers.	Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states.
ILLINOIS	Compulsory as to enumerated "extra hazardous" employments (including occupational diseases). Elective as to partners and sole proprietors.	Compulsory as to all public employments except members of fire and police departments in cities over 200,000 population (such firemen covered to extent of burn-related disfigurement).*	Certain farm labor, domestics, and persons not in usual course of employer's business; real estate brokers and salesmen paid by commission only.	Voluntary as to excluded employments.** Corporate officers of small business may reject.
INDIANA	Compulsory as to all employments including corporate officers. Elective as to sole proprietors, or partners.	Compulsory as to state, municipal corporations, and political subdivisions, includes state legislators, and elected and appointed officials. Volunteers working as authorized emergency management workers, volunteers working for hazardous materials response teams and police reserves may be covered.	Farm labor, domestic servants, casual workers, and railroad workers, and licensed real estate professionals.*	Compulsory as to coal mining and for students in cooperative education.

NOTE: State courts vary in decisions whether minimum of persons must be in state.

[1] Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, such action of the employer must be concurred in by the employees.

[2] Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3] Outworker is person to whom articles are given for cleaning, repair, etc., at home.

Ala. *Employees of all county and city bds. of education, Ala. Inst. for Deaf and Blind, and 2-yr. colleges under state bd. of educ. control. Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits not to exceed $10,000 per employee; also, for employees of Department of Agriculture and Industries. Special act covers employees of Tannehill Furnace and Foundry Commission.

**Employer electing not to accept coverage must notify each employee in writing. Regular employer of a volunteer fire fighter or rescue squad worker is in no way liable for compensable injury.

Colo. *Part-time is equal to less than 40 hours per week.

Conn. *Non-members of a civil preparedness force and volunteer firemen who are requested by a municipality to aid in an emergency situation are covered under the workers compensation laws of the municipality where the injury occurs, and under the laws where their company is located respectively.

Guam *Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

Hawaii *Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

Ill. *Townships may elect coverage for participants in job training or work program.

**The law is "elective" as to private employments of a nonhazardous nature, but it does not abrogate the employer's defenses if he does not accept the act, and thus is considered to be voluntary.

Ind. *Elective for officer of a charitable, religious, educational, or nonprofit corporation.

CHART II ☐ COVERAGE OF LAWS ☐ January 1, 1993 (continued)

	EMPLOYMENTS COVERED[1]			
JURISDICTION	PRIVATE	PUBLIC	EXCEPTIONS[1]	SPECIAL COVERAGE PROVISIONS
IOWA	Compulsory as to all employments but up to 4 corporate officers may reject. Effective for proprietors and working partners.	Compulsory as to all public employments, except firemen and policemen entitled to pension fund. Covers highway safety patrol officers, conservation officers, criminal defendants while performing unpaid community service or other services, and agricultural workers at state universities.	Domestic and casual workers earning under $200 per quarter; farm labor, if employer payroll under $2,500 per year.	Voluntary as to excepted employments. Persons receiving employment training or evaluations in an approved facility are covered for PP or PT disabilities. Under certain conditions, truck owner-operators and real estate agents are considered independent contractors and are required to maintain own coverage.
KANSAS	Compulsory as to all employments including corporate executive officers. Elective as to partners, individuals, or self-employeds.	Compulsory as to all public employments. Members of firemen's relief associations may elect to accept or reject coverage. Public agencies or entities may elect coverage for persons required to perform community service work.	Farm labor or any employer whose gross annual payroll is not more than $10,000; real estate brokers and sales persons on commission.	Compulsory as to eleemosynary institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees.
KENTUCKY	Compulsory as to all employments including corporate executives. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury.	Compulsory as to state and political subdivisions including elected and appointed state officials, employees of the General Assembly and volunteer firefighters and ambulance personnel.	Domestic servants if employer employs fewer than 2 each regularly employed 40 hours a week; casual workers employed less than 20 consecutive work days; agricultural labor; worker for charitable or religious organization in return for aid or sustenance; and participant in carpool to and from work.	Specifically covers newspaper carriers and members of volunteer ambulance service, fire or police department. Voluntary as to excluded employments.
LOUISIANA	Compulsory as to all employments including corporate executives. Corporate officers who are 10% shareholders and sole proprietors may reject.	Compulsory as to all public employments, except sheriffs, deputies and officials. Subdivisions may cover elective and appointive officials.	Crews of crop spraying aircraft while acting as contractors, or employees of persons principally engaged in agriculture; real estate brokers and salesmen; domestic workers.	Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations.
MAINE	Compulsory as to all employments including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners.	Compulsory as to state, counties, cities, towns and quasi-municipal corporations. Includes firemen and police and volunteer firemen and emergency medical services personnel.	Domestic workers; seasonal (works less than 26 weeks/year, full- or part-time) or casual agricultural or aquacultural employees.* Maritime employee in interstate or foreign commerce. Commission-paid real estate salesman or broker.** Independent contractor. Employee harvesting 150 cords of wood from farm wood lot. Voluntary participant in employer-sponsored athletic event. Elected or appointed executive officers of a charitable, religious, educational or other nonprofit corporation.***	Voluntary as to excluded employments. Parent, spouse, or child of sole proprietor, partner, or corporate officer who is a 20% shareholder, or shareholders of a professional corporation, may reject coverage.
MARYLAND	Compulsory as to all employments including corporate officers. Elective as to partners or sole proprietors. Corporate farm officers who are 20% shareholders may reject. Elective for officers owning 20% or more of a professional services corporation and performing professional services for that corporation.	Compulsory as to state, counties, cities, and their agencies; paid firemen in certain counties; prisoners working for county roads boards; forest wardens; jockeys*; crewmen and fire fighters for Department of Forest and Parks; jurors for non-federal courts, including the state militia during both training and active duty.	Domestic workers who earn less than $250 in a quarter from a single household; certain maintenance workers not employed for 30 consecutive days around a private home; seasonal, migratory farm labor within 25 miles of residence who work no more than 13 weeks a year and who do not operate machinery or equipment; farmers who employ fewer than 3 or have a full-time payroll less than $15,000; and commission-paid real estate salesman or broker. Also, independent contractors and owner operators of Class F tractors who are under agreement with a motor carrier.	Voluntary as to excluded employments. Officers of close corporation may reject. Small employers of farm labor may be insured under a group policy. Certain volunteer firefighters and paramedics may be covered.
MASSACHUSETTS	Compulsory as to all employments.	Compulsory as to state; elective as to counties, cities, and districts having power of taxation. Municipalities required to indemnify police and firemen. Cities and towns may cover certain elected or appointed officials.	Seasonal and casual labor; domestic servants employed less than 16 hours a week; masters and seamen in interstate commerce covered by federal law; athletes whose contracts provide wages during job disability; commission-paid salespersons; independent taxi drivers; and voluntary participants in recreational activities.	Voluntary as to domestic servants hired casually or on a seasonal basis.
MICHIGAN	Compulsory as to all employers of 3 or more, or less than 3 if 1 is employed for 35 hours per week for 13 weeks by same employer.*	Compulsory as to all public employments. Trainees in federally funded training program deemed employees of sponsoring public entity.	Professional athletes whose average weekly wage is more than 200% of statewide average weekly wage; domestic servants who work less than 35 hours a week for 13 weeks a year; licensed real estate salesmen.	Voluntary as to employer of 2 or less, and domestic service. Family members may be excluded by endorsement.
MINNESOTA	Compulsory to most employments. Elective as to partners or officers of certain family farms or close corporations and their families.	Compulsory as to most public employments. Subdivisions may cover elective and appointed officers.	Certain casual labor; household workers who earn under $1,000 per 3 months from one private household; family farms with annual farm labor payroll less than $8,000*; railroad workers covered by federal law; and nonprofit corporations with annual payroll under $1,000; commercial thresher or baler for family farm.**	Election must be in writing. Person, partnership or corporation may elect coverage for independent contractors for a fee. Specifically covers voluntary first responders and members of law enforcement assistance organizations.
MISSISSIPPI	Compulsory as to all employers of 5 or more. Corporate officers may reject. Sole proprietor, partner or any employee owning 15% or more stock may reject.	Compulsory as to all public employments including political subdivisions of the state. Specifically excludes handicapped in state sheltered workshop programs.	Domestic servants, farmers, farm labor, newspaper distributors, nonprofit charitable, fraternal, cultural, or religious corporations or associations.	Voluntary as to exempted employers.
MISSOURI	Compulsory as to all employers of 5 or more.* Elective for partners and sole proprietors. Compulsory as to construction industry employers of 1 or more employees.	Compulsory as to all public employments including elected and appointed state officials, contractors of a public corporation, state militia and sheriffs and deputy sheriffs. Compulsory for workers on state welfare projects under federal Economic Opportunity Act.	Farm labor; domestic servants; occasional labor for private household; qualified real estate agents; members of employer's family by marriage or consanguinity; inmates confined to a state prison, penitentiary, county or municipal jail; residents of mental health facilities and unpaid volunteers of a tax-exempt organization.	Voluntary as to exempt employments, employers of less than 5 employees, and salaried officers of Missouri farm corporations.
MONTANA	Compulsory as to all employments. Corporate officers may reject. Partners and sole proprietors may apply for an exemption.	Compulsory as to all public employments including public contractors, and volunteer rescue workers.	Domestic and casual employment; employers covered by federal law; person performing services for aid and sustenance only; officials at amateur athletic events; real estate broker or salesman; direct sellers of consumer goods; dependent member of employer's family for whom the employer may claim an exemption under the federal tax code; and newspaper carriers or free-lance correspondents; cosmetologists and barbers.	Coverage is mandatory for partner or sole proprietor who is independent contractor, but may apply for personal exemption. Voluntary as to exempt employments.
NEBRASKA	Compulsory as to all employments. Corporate officers who are 25% shareholders may reject. Elective as to proprietors, partners or self-employed.	Compulsory as to all employments, including officials elected or appointed for fixed terms.	Farm labor and domestic servants.	Voluntary as to farm labor and domestic service.
NEVADA	Compulsory as to all employments. Elective as to sole proprietors.	Compulsory as to all employments, including public contractors. Also includes unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority; members of local bands and orchestras.	Farm labor; domestic servants; casual employees; employees engaged without pay in employer's social or athletic events; voluntary ski patrolmen; and any clergyman, rabbi or lay reader.	Voluntary as to exempt employments. Employee may elect compensation if mandated employer is uninsured.
NEW HAMPSHIRE	Compulsory as to all employments. First 3 corporate officers not counted as employees.* Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Railroad workers covered under F.E.L.A. (Jones Act).	
NEW JERSEY	Statutory presumption of election as to all employment.	Compulsory as to all public employments.	Casual workers, maritime workers, and railroad workers engaged in interstate commerce.	

Maine *Employers of six or fewer agricultural or aquacultural employees exempt if employer maintains liability insurance policy with limits of not less than $100,000 per employee and medical coverage of not less than $1,000.
**Provided that broker or salesman is independent contractor and signs contract with agency indicating such.
***No compensation allowed if injury or death of employee is brought about by willful intention of himself or another, or by intoxication while on duty.

Md. *Jockeys or their dependents who are covered employees, while performing a service in connection with training, are eligible to apply for payment from the Maryland Jockey Injury Compensation Fund.

Mich. *Corporate officer who is 10% shareholder of corporation with up to 10 shareholders may reject.

Minn. *Less than $8,000 or less than the SAWW when farm operation has total liability and medical payment coverage equal to $300,000 and $5,000 under a farm liability policy and the policy covers injuries to farm laborers.
**Act does not apply to persons covered by Domestic Volunteer Service Act of 1973, as amended.

Mo. *Employers who do not elect coverage are liable to suit with defenses abrogated.

N.H. *Fourth corporate officer and any employees must be covered.

CHART II ☐ COVERAGE OF LAWS ☐ January 1, 1993 (continued)

JURISDICTION	EMPLOYMENTS COVERED		EXCEPTIONS	SPECIAL COVERAGE PROVISIONS
	PRIVATE	PUBLIC		
NEW MEXICO	Compulsory as to employers of 3 or more. Corporate officers who are 10% shareholders may reject. Elective as to partner or self-employed. All employers licensed under the Construction Industries Licensing Act must secure coverage, regardless of number of employees.	Compulsory as to state, counties, cities, towns, schools, drainage, irrigation, or conservancy districts, public instruction or administrative boards; includes elected or appointed officials.	Farm or ranch labor, domestic servants, casual employees, and real estate salespersons.	Voluntary as to farm labor, domestic service, and where less than 3 are employed. Compulsory for charitable organizations employing workers.
NEW YORK	Compulsory as to all employments. Elective as to partners, self-employed, sole shareholder officer and two shareholders officers.*	Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in nonhazardous employments.	Farm labor if payroll during prior year was less than $1,200; volunteer workers; domestic worker not employed by same employer at least 40 hours per week; teacher or nonmanual laborer for religious, charitable, or educational institution; certain real estate salespersons; sole shareholder officer and two shareholders officers who have no other employees; babysitters under 18 and casual employment or repairs in or about a one-family owner occupied residence.	Voluntary as to exempt employments and for certain employment in fulfillment of probationary sentence. Elective as to the individual offices of mental health organizations to provide participants in sheltered workshops with benefits. Jockeys covered by the NY Jockey Injury Compensation Fund.
NORTH CAROLINA	Compulsory as to all employers of 3 or more and all employments with exposure to radiation. Corporate officers count toward total number of employees but may reject. Elective as to partner or sole proprietor.	Compulsory as to public employments, public and quasi-public corporations, and elective officials.	Farm labor, domestic servants, casual workers, railroad workers, voluntary ski patrolmen, individual sawmill or logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period.	Voluntary as to casual employees, domestic servants, and employers of fewer than 3 employees. Compulsory as to agricultural employer with 10 or more full-time nonseasonal workers. Contractor must certify that his subcontractor has secured compensation. If subcontractor has no employees, he may waive his coverage.
NORTH DAKOTA	Compulsory as to all hazardous employments. Elective as to corporate officers, partners or sole proprietors, and resident family members.	Compulsory as to all public employments.	Farm labor, domestic servants, casual workers, illegal enterprises or occupations, and clergy. Real estate brokers or salespersons with written agreements defining them as independent contractors.	Voluntary as to nonhazardous and excluded employments.* Injuries caused by intoxicants are not compensable.
OHIO	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to state, counties, cities, townships, incorporated villages, and school districts.	Casual and domestic workers paid less than $160 by one employer in any 3-month period.	Elective as to officers of family farm corporations and for ordained or licensed ministers in the exercise of their ministry.
OKLAHOMA	Compulsory as to all employments. Elective as to 10% shareholders, partners, sole proprietors, and owner-operator truckers.	Compulsory as to the state, counties, cities, or municipalities except where equivalent schemes are in force.	Domestic and casual employees of homeowner whose annual payroll is under $10,000; worker covered by federal law; agricultural/horticultural employer whose annual payroll is under $100,000; real estate salesmen and brokers.	Excludes certain persons sentenced to public service, assigned to work release or private prison industry programs.
OREGON	Compulsory as to all employments. Elective as to sole proprietors, partners, except in construction and some corporate officers who are also directors with a substantial ownership interest.*	Compulsory as to state, counties, cities, or towns and other political subdivisions. Covers volunteer trainees in state schools for deaf and blind. Excludes cities more than 200,000 population with equivalent compensation.	Under specified circumstances: Domestics, casual labor, interstate transportation, charitable or relief work, newspaper carriers, amateur athletes and sports officials, volunteer ski patrols and volunteers in the ACTION Program, personnel under federal permits, owners and operators of certain motor vehicles, and commission-paid real estate agents, foster care providers.	Voluntary as to excepted employments. Covers clients in Vocational Rehabilitation Division. Excepted employer may elect coverage for selves or excepted employees.**
PENNSYLVANIA	Compulsory as to all employments.	Compulsory as to all public employments except elected officials.	Domestic or casual labor, outworker, farmer with 1 employee who works less than 20 days a year or earns less than $150 a year.	Voluntary as to casual and domestic service.*
PUERTO RICO	Compulsory as to all employments.	Compulsory as to all salaried public employments.	Casual and domiciliary workers.	Voluntary for sole proprietors and their families when supervising or engaging in manual labor in their business or farm.
RHODE ISLAND	Compulsory as to all employers of 4 or more, partners, sole proprietors and employers in hazardous occupations.	Compulsory as to the state and city of Providence;* elective as to cities or towns.	Agriculture, domestic service. Excludes van pooling recipients except driver. Professional hockey teams are exempt.	Voluntary as to agriculture, domestic service, and employers or less than 4 employees, except those in hazardous occupations. Excludes employer-sponsored social or athletic activity.
SOUTH CAROLINA	Compulsory as to all employers of 4 or more, including active partners and sole proprietors whose employees are eligible for benefits.	Compulsory as to all public employments* except elective and appointive officials. Coverage extended to members of the State and National Guard.	Casual employees, persons engaged in selling agricultural products, farm labor, railroads, express companies, state and county fair associations, employer with annual payroll under $3,000 and licensed real estate agents who are independent contractors, working on straight commission and working for a broker.	Voluntary as to excluded employments.
SOUTH DAKOTA	Compulsory as to all employments. Elective as to employer performing labor incidental to job.	Compulsory as to all public employments, except elected or appointed officials. Firemen covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work program covered as employees of employer.	Farm labor, domestic servants if employed more than 20 hours in any week and more than 6 weeks in any 13 week period, and workfare participants.	Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery, e.g., threshers, combines, shellers, cornhuskers.
TENNESSEE	Compulsory as to all employers of 5 or more. Corporate officers may reject. Elective as to partners and sole proprietors.	Voluntary as to state and political subdivisions.	Farm labor, domestic servants, casual employees, employees of interstate common carriers, and voluntary ski patrolmen.	Voluntary as to employers of less than 5.
TEXAS	Elective as to all employments. Farm/ranch operator may elect to cover self, partner, corporate officer or family member.	State provides self-insurance coverage for Highway Dept., University of Texas, Texas A&M University, and all other state employees. Counties, municipalities, and other political subdivisions may provide compensation for their employees.*	Domestic or casual workers engaged in employment incidental to a personal residence; persons covered by a method of compensation established under federal law; migrant workers, seasonal workers employed on a truck farm, orchard, or vineyard or employed by an employer with a payroll under $25,000, and other farm or ranch employees working for an employer with a payroll under $25,000, or employing fewer than 3 workers.	
UTAH	Compulsory as to all employments. Elective as to partners, sole proprietors, and corporate officers and directors.	Compulsory as to all public employments, including community service workers and volunteers.*	Casual employees. Farm employers who employ 5 or fewer persons for 40 hours per week for 13 weeks or less during the year; or employer/owner's family. Domestics who work less than 40 hours per week for a single employer. Real estate salesman or broker.	Voluntary as to farm labor and domestic service.
VERMONT	Compulsory as to all employments. Corporate officers may reject. Elective as to sole proprietors and partners.	Compulsory as to all public employees, including legislators while in session, teachers, police, firemen, town and school employees, other municipal employees entitled to pensions, and road commissioners or selectmen engaged in highway maintenance or construction.*	Casual or domestic employees; amateur athletes; farm labor where employer's payroll is under $2,000 per year.	Exempted farmers and employers of domestics may elect coverage.
VIRGIN ISLANDS	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Casual and domestic employees, and volunteers for charitable organizations.	Voluntary as to exempt employers and employees.

N.Y. *Elective as to unsalaried executive officer of not-for-profit unincorporated association or corporation, and as to executive officer of religious, charitable or educational corporation of veterans' organization.

N.D. *General contractor is responsible for securing coverage and paying premiums for his subcontractor until subcontractor has secured and paid his own coverage.

Ore. *Ownership interest not required for certain family farms.
**Prime contractors can become liable for providing coverage for subcontractors and their employees.

Pa. *Employers may be exempted from covering an employee whose religious sect prohibits benefits from insurance provided that the sect makes provisions for its members.

R.I. *Members of the National Guard must be on active duty in order to be eligible for benefits.

*S.C. Department of Parole and Community Corrections may elect coverage for convicted persons performing community service or participating in a work program.

Texas *Subdivisions may elect to cover officer deemed volunteer firemen, police, and emergency medical personnel.

Utah *Volunteers are eligible only for workers' compensation medical benefits, not indemnity benefits.

Vt. *Municipalities may elect coverage of other employees. Excludes other elected officials, certain judges, sheriffs, and county treasurers and clerks. All state organizations must participate in the state employees' workers compensation fund.

CHART II ☐ COVERAGE OF LAWS ☐ January 1, 1993 (continued)

JURISDICTION	EMPLOYMENTS COVERED[1]		EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS[2]
	PRIVATE	PUBLIC		
VIRGINIA	Compulsory as to employers of 3 or more and farm employer with more than 2 full-time employees. Elective for partners and sole proprietors. Executive officers may reject for accidental injury only.	Compulsory as to all public employments, except administrative officers and employees elected or appointed for definite terms.* Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts.	Casual employees, horticultural and farm laborers; taxi drivers and domestic servants, employees of steam railroads, employments not in usual course of employer's trade, business, or occupation, and real estate salesmen/associated brokers on commission, under independent contract or who are not treated as employees, for federal income tax purposes.**	Voluntary as to employers of less than 3, farm labor, and domestics. Employer may elect coverage for its independent contractor provided that independent agrees in writing. The independent contractor may have to pay for all or part of that coverage.
WASHINGTON	Compulsory as to all employments. Elective as to partners, sole proprietors, joint venturers, and corporate officers who are shareholders/directors.	Compulsory as to all public employments.	Domestic servants, voluntary law enforcement officers, Indian tribes or tribal members employed on reservation, home repair and gardening workers, railroad workers, unpaid workers in eleemosynary institutions, children under 18 on a family farm, jockeys, employments not in usual course of employer's business, and interstate truckers.	Covers apprentices registered with Apprenticeship Council. Excludes purchaser of contract musical or entertainment performance.
WEST VIRGINIA	Compulsory as to all employments. Elective as to partners, sole proprietors, and officers of associations and corporations.	Compulsory as to all public employments, including elected officials. Elective for churches.	Domestic workers, farm labor of 5 or fewer, casual employers, and employees working out of state (except temporarily).	Elective as to employers in organized professional sports, including thoroughbred horse racing.
WISCONSIN	Compulsory as to all employments (except farm labor) if payroll is $500 or more in any calendar quarter for services in the state. Compulsory as to farmers with 6 or more employees.	Compulsory as to all employees, including state legislators. Includes certain vocational education students.	Domestic servants and volunteers.	Voluntary as to excluded employments. Elective as to working sole proprietors and partners. Elective for up to two officers of a closely held corporation. Includes participants in community work experience program. Independent contractor is considered employee of any employer for whom he is working, except when the independent meets certain enumerated conditions.
WYOMING	Compulsory as to enumerated "extra-hazardous" industries and occupations conducted for gain. Elective as to corporate officers.	Compulsory as to state, counties, and municipal corporations when engaged in "extra-hazardous" work.	Casual employees, individual contractors, private household workers, federal employees, interstate trucking without a fixed base of operations in Wyoming, sole proprietors and partners.	Elective as to all non-required industries and occupations. Specific volunteers require coverage.
F.E.C.A.		All civil employees of the U.S. government, including wholly owned instrumentalities, and persons performing activities of civil employees without pay.		
LONGSHORE ACT	Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, or ship repair.	Officers and employees of the U.S. or any state or foreign governments are not covered.	Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons.* Not applicable to maritime employment in Puerto Rico.**	Act also applies to workers at military bases and public works abroad, welfare and morale service workers for military abroad, and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad.
ALBERTA	Compulsory as to all nonexempted employments. Corporate officers are covered*, employer may elect coverage for self. Elective as to partners and sole proprietors.	Compulsory as to provincial employees, most school teachers are exempt.	Employments listed in General Regulations (includes farm labor, domestics, outworkers,[3] financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions).	Voluntary as to excepted employments and corporate directors. Board may include any individual or class by regulation.
BRITISH COLUMBIA	Compulsory as to all employments listed in Part 1. Employer may elect coverage for self.	Compulsory as to all provincial and municipal employees, including members of fire brigade, ambulance staff.	Outworkers,[3] casual labor, and performers.	Voluntary as to independent operators, certain members of employer's family and unenumerated employments. Board may include any industry by regulation. Lt. Gov.-in-Council may require coverage of commercial fishing industry.
MANITOBA	Compulsory as to all employments listed in Schedule I. Elective as to directors, employers, or sole proprietors.	Compulsory as to all provincial and municipal employments, except employees of school boards, including teachers.	Farm labor, outworkers,[3] and casual labor.	Voluntary as to unenumerated and excepted employments. Lt. Gov.-in-Council may include any industry by regulation.
NEW BRUNSWICK	Compulsory as to all regular employers of 3 or more. Compulsory as to salaried corporate officer or director. Employer may elect coverage for self.	Elective as to public employments.	Outworkers,[3] domestic servants, and persons whose employment is of a casual nature and otherwise than for the purpose of business.*	Voluntary as to excepted employments. Lt. Gov.-in-Council may regulate exclusion of industry in which not more than stated number of workers fixed by regulation are usually employed.
NEWFOUNDLAND	Compulsory as to all employments except as excluded by regulation.	All provincial and federal employees are covered.	Artists, entertainers, circus and trade shows, newsboys, and clergy, employment by a person in respect of a function in private residence of that person, salesmen employed out of province; sports professionals, instructors, players and coaches, volunteers and outworkers.[3]	Commission may accept excluded employer or worker.
NORTHWEST TERRITORIES	Compulsory as to all employments. Elective as to corporate officers.	Compulsory as to territory government.		Commissioner may exempt industry, employer, or worker. Voluntary as to excepted employment.
NOVA SCOTIA	Compulsory as to employments listed in Part I. Board has exempted employers of 2 or fewer. Includes active corporate executives; employer may elect coverage for self.	Elective as to public employments. Firemen and police are excluded. Board may exclude public officials.	Casual labor, outworkers,[3] farm labor, domestic servants. By regulation Board has excluded specific industries, including educational institutions, persons in medical work and dental surgery, veterinarians, athletes, barbers, taxi-cabs, florists, horticultural employment, entertainers, and aviation industry.	Voluntary as to excepted employments. Board may include or exclude any industry, or set numerical exemption, by regulation.
ONTARIO	Compulsory as to all employments listed in Schedules I and II. Corporate officer may elect coverage.	Compulsory as to all provincial and municipal employments.	Outworkers[3] in industries listed in schedules 1 and 2.	Voluntary as to unenumerated and excepted employments.
PRINCE EDWARD ISLAND	Compulsory as to all employments with exclusions as listed in our regulations. Board has exempted employers with 1 employee. Elective as to corporate officers.	Compulsory except for municipal officers.	Outworkers,[3] farm labor, domestic servants, taxi industry, aviation industry employers of 99 or fewer, fishing and clergy.	Voluntary as to unenumerated and excepted employments. The Board may include/exclude any exempted industry.
QUEBEC	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments.	Domestic servants and outworkers covered upon request.[3] Also, sole proprietors and corporate officers. Persons who play sports as main source of income specifically excluded.	Voluntary as to unenumerated and excepted employments.
SASKATCHEWAN	Compulsory as to all employments. Compulsory for corporate officers and salaried employers.	Compulsory as to all provincial and municipal employments. Municipalities and corporations may elect coverage of mayor and members of governing body.	Farm and ranch labor, domestic servants, outworkers,[3] and school teachers.	Voluntary as to excepted employments. Lt. Gov.-in-Council may exclude any industry, employer, or worker.
YUKON TERRITORY	Compulsory as to all employments.	Compulsory as to territory government.	Casual employees, domestics, outworkers.[3]	Voluntary as to excepted employments.

Va. *Governing body of county, city, or town may elect coverage of its members.
**Does not apply to injury received during emergency services activities, unless it results from gross negligence.

Longshore *Also excluded to extent covered by state law are: office, clerical, secretarial, security or data processing employees; club, camp, recreational operation, restaurant, museum or retail outlet employees; marina employees not engaged in construction, replacement or expansion; persons temporarily on premises not doing work normally performed by employer; aquaculture workers; builders, repairers or dismantlers of recreational vessels under 65 feet in length; and master or crew member of any vessel.
**By decisional law. Garcia v. Friesecke, 597 F.2d 284 (1st Cir.), *cert. denied*, 444 U.S. 940 (1979).

Alta. *Corporate director may elect coverage.

N.B. *By regulation also excludes fishing industry, except for undertakings in which 25 or more workers are at the same time usually employed.

CHART II ☐ COVERAGE OF LAWS ☐ January 1, 1993 (continued)

JURISDICTION	EMPLOYMENTS COVERED[1]		EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS[3]
	PRIVATE	PUBLIC		
CANADIAN GOVERNMENT EMPLOYEES' ACT		Compulsory as to employees of government departments, Crown corporations, boards, commissions, etc., in Canada and abroad		Claims are determined by provincial boards. Benefits same as for private employees in same province; worker in territory is deemed employed in Alberta
CANADIAN MERCHANT SEAMEN'S ACT	Compulsory as to all employees of Canadian registered ships, as defined		Pilots, apprenticed pilots, and fishermen	No compensation payable, if entitled under Government Employees' Compensation Act or any provincial act

CHART III COVERAGE OF MINORS January 1, 1993

JURISDICTION	COVERED	FUTURE EARNING CAPACITY	ILLEGAL EMPLOYMENT	SPECIAL BENEFIT PROVISIONS
ALABAMA	Yes		Double compensation	Settlement valid
ALASKA	Yes	Considered		
AMERICAN SAMOA	Yes	Considered		Guardian may be required
ARIZONA	Yes	Considered	50% additional compensation	Lump sum payable to guardian
ARKANSAS	Yes		Double compensation*	
CALIFORNIA	Yes	Considered	50% additional compensation	Settlement valid until claimed by parent or guardian
COLORADO	Yes		(*)	
CONNECTICUT	Yes	Considered		If under 18 50% additional compensation for scheduled injury If under 16 100% added Guardian may be required
DELAWARE	Yes			
DISTRICT OF COLUMBIA	Yes	Considered		
FLORIDA	Yes	Considered	(*)	Guardian may be required
GEORGIA	Yes			Board may appoint special guardian where no general guardian has been appointed
GUAM	Yes	Considered		Guardian may be required
HAWAII	Yes	Considered*		When an exceptional child is employed as part of his education for purposes of workers compensation the state is considered the child's employer
IDAHO	Yes	Considered*		Lump sum under probate jurisdiction **
ILLINOIS	Yes		If under 16 50% additional compensation	Minor may elect suit for damages
INDIANA	Yes		If under 16 double compensation*	If over $100 payable to guardian
IOWA	Yes	Considered if apprentice or trainee		Settlement valid
KANSAS	Yes			Payments to minor guardian or conservator
KENTUCKY	Yes	Considered		Lump sum payable to guardian
LOUISIANA	Yes			
MAINE	Yes		(*)	
MARYLAND	Yes	Considered	Double compensation discretionary	Covers handicapped students who work without pay as part of their education
MASSACHUSETTS	Yes	Considered	Double compensation	If guardian required insurer must pay expenses
MICHIGAN	Yes		If under 18 double compensation*	
MINNESOTA	Yes			Entitled to maximum benefits if permanent partial disability Guardian may be required
MISSISSIPPI	Yes		Double compensation*	Guardian may be required
MISSOURI	Yes	Considered	50% additional compensation	Same as adults Guardian may be required
MONTANA	Yes			
NEBRASKA	Yes		Same as adults	
NEVADA	Yes		Up to $500 per offense *	
NEW HAMPSHIRE	Yes	Considered	Illegally employed, double compensation	
NEW JERSEY	Yes		Under 14, or between 14-18 without permit, double compensation * Minor may elect suit for damages	Guardian required
NEW MEXICO	Yes			
NEW YORK	Yes	Considered	If under 18 double compensation	Applies to second injuries, rehabilitation and reopened cases
NORTH CAROLINA	Yes	Considered*		Permanent disability payments over $500 payable to guardian
NORTH DAKOTA	Yes			Lump sum payable to guardian
OHIO	Yes	Considered	Double compensation	Lump sum payable to guardian
OKLAHOMA	Yes	Considered	Excluded	
OREGON	Yes		25% (maximum $500) to Insurance & Finance Fund	Lump sum payable to guardian
PENNSYLVANIA	Yes		Violation of child labor law—50% additional compensation	
PUERTO RICO	Yes		If under 18 double compensation	
RHODE ISLAND	Yes		Triple compensation	
SOUTH CAROLINA	Yes			Not more than $10 000 payable to father mother or natural guardian more than $10 000 payable to person or corporation appointed by a probate court
SOUTH DAKOTA	Yes			
TENNESSEE	Yes			If over $250 payable to guardian
TEXAS	Yes	Considered*		Payable to guardian
UTAH	Yes	Considered		Lump sum payable to guardian
VERMONT	Yes			
VIRGIN ISLANDS	Yes		30% additional compensation	
VIRGINIA	Yes			If over $300 payable to guardian
WASHINGTON	Yes		50% to state fund*	If over $750 lump sum payable under probate jurisdiction
WEST VIRGINIA	Yes		Same as adults	
WISCONSIN	Yes	Considered	Double or tripled*	Guardian may be required **
WYOMING	Yes	Considered		
F.E.C.A.	Yes	Considered		
LONGSHORE ACT	Yes	Considered		
ALBERTA	Yes	Considered		Paid as Board deems best
BRITISH COLUMBIA	Yes	Considered		Paid as Board deems best
MANITOBA	Yes	Considered		Paid as Board deems best
NEW BRUNSWICK	Yes	Considered		Paid as Board deems best
NEWFOUNDLAND	Yes	Considered	Death benefit to parent may be withheld	Paid as Commission deems best
NORTHWEST TERRITORIES	Yes	Considered		Paid as Board deems best
NOVA SCOTIA	Yes	Considered	If under 14 death benefit to parent may be withheld	Paid as Board deems best
ONTARIO	Yes	Considered	(*)	Paid as Board deems best
PRINCE EDWARD ISLAND	Yes	Considered	(*)	Paid as Board deems best
QUEBEC	Yes	Considered		Paid as required by law
SASKATCHEWAN	Yes	Considered		Paid as Board deems best
YUKON TERRITORY	Yes	Considered		Paid as Commissioner deems best
CANADIAN MERCHANT SEAMEN'S ACT	Yes			Paid as Board deems best

*Employer may not insure additional amount of compensation

Ark. * Unless minor misrepresents age in writing to employer

Colo. * Permanent disability and death benefits paid at maximum rate payable at time of death or determination of permanent disability

Fla. *Violation of Child Labor Law subject to up to double compensation based on J.C.C.'s findings

Hawaii *Permanent total disability and death benefits based on AWW employee would have received at age 25

Idaho * Adult wages for all scheduled injuries.
**If any public school student is working as part of his instruction, he need not be earning any wages for workers compensation purposes and is covered under the school district's policy

Ind.*Student in vocational education program treated as worker age 17 and not entitled to double compensation

Maine **Fanion v. Philip McNeal*, 577 A.2d 2 (Me. 1990) held that an illegally employed minor is still within the statutory definition of an employee. An illegally employed minor is not deemed to have waived the minor's right of action at common law and may therefore seek compensation under Workers' Compensation Act as well as relief through civil action

Mich. *Except in case of fraudulent use of permits or age certificates.

Miss. *Employer may not insure additional amount of compensation. Students 14 and over employed between semesters or on on-the-job training, and junior auxiliary firemen, are excepted.

Nev. *Employer guilty of misdemeanor.

N.J. *Employer may not insure additional amount of compensation. Students age 14 and over employer between semesters or on on-the-job training, and junior auxiliary firemen, are excepted.

N.C. *Compensation for permanent disability or death with surviving dependents is based on AWW paid an adult employee in a position to which a minor employee would likely be promoted. if no position exists, then the minor is entitled to the maximum benefit. In temporary disability and no-dependency death cases, compensation may be increased in proportion to expected earnings where total disability extends over 52 weeks.

Texas *Considered only if minor's wages are limited because of apprenticeship, continuing formal training, or education intended to enhance future wages and those wages would reasonably be expected to change. Future earnings more than 3 years after the date of injury cannot be considered.

Wash. *Imposed only if minor is below minimum age for employment or working without permit.

Wis. *Doubles for minor of permit age employed without a permit. Maximum $7,500, tripled where such minor was employed in prohibited work, or in the cases of minor under permit age and illegally employed. Maximum $15,000. Additional compensation payable by employer. Minors given contractual power under the Act. Employer misled by fraudulent written evidence of age by minor, extra compensation paid into special benefit fund.
**Maximum burial expenses for children who are eligible for additional benefits is $1,500

Ont. *Employer may be held individually liable.

P.E.I. *Employer may be held individually liable.

CHART IV COVERAGE OF OCCUPATIONAL DISEASES January 1, 1993

JUISDICTION	NATURE OF COVERAGE[1]	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION[2]
ALABAMA	All diseases	Workers' Compensation Medical Services Board, a 5 physician supervisory board	Death—within 3 years after last exposure or last payment. Radiation or occupational pneumoconiosis*—exposure must occur in at least 12 months over 5 years prior to last exposure	Disability—within 2 years after last exposure or last payment (radiation—within 2 years and claimant knows/should know relation to employment). Death—within 2 years after death or last payment. Coalminer's pneumoconiosis—within 3 years after total disability or death and claimant knows/should know relation to employment		Unlimited	Same as for accidents. Coalminer's pneumoconiosis—total disability or death compensated same as Federal Black Lung Act. Firefighters are covered for impairments caused by hypertension, heart disease, respiratory disease and cancer, provided that during employment they were exposed to a known carcinogen.**
ALASKA	All diseases			2 years after knowledge of relation to employment. Within 1 year after death		Unlimited	Same as for accidents
AMERICAN SAMOA	All diseases	Claimant examined by physician selected by Commissioner		Within 1 year after claimant knows/should know relation to employment		Unlimited	Same as for accidents
ARIZONA	All diseases*	Board of 3 medical consultants may be appointed by Commission. Report is prima facie evidence of facts	Silicosis or abestosis—employer liable only if exposure during 2 years	Within 1 year after disability of accrual of right, excusable.**	Disability payments	Unlimited	Same as for accidents
ARKANSAS	All diseases		Disability or death—within 1 year after last exposure (3 years for silicosis or asbestosis), or 7 years for death following continuous disability. Does not apply to radiation. Silicosis or asbestosis presumed nonoccupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in state unless same employer)	Disability—within 2 years after last exposure (silicosis or asbestosis—within 1 year from disablement; radiation—within 2 years from diagnosis). Death—within 2 years		Unlimited	Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated, or in any way contributed to by an occupational disease, the compensation payable shall be reduced and limited to the proportion of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as the occupational disease, as a causative factor, bears to all the causes of the disability or death
CALIFORNIA	All diseases*			Disability—within 1 year from injury or last payment. Death—within 1 year after death (for death within 1 year after injury), 1 year after last medical payment, or 1 year after death if compensation paid; no proceedings more than 240 weeks after injury except for claims based on asbestos exposure.**		Unlimited	Same as for accidents
COLORADO	All diseases*	IME to determine medical fact	Silicosis or asbestosis—employer liable only if exposure lasts 60 days	Within 2 years after disability or death (5 years in case of ionizing radiation, asbestosis, silicosis, or anthracosis or 3 years if reasonable excuse)		Unlimited	Same as for accidents
CONNECTICUT	All diseases	Panel of 3 physicians may be appointed by Commissioner to resolve medical issues involving lung disease		Within 3 years after first manifestation of disease (within 2 years if death occurs within 2 years after first manifestation of disease, or 1 year after death, whichever is later)		Unlimited	AWW is calculated as of date of total or partial incapacity to work. If disease shows up when claimant has not worked during preceding 26 weeks, his AWW is equal to the SAWW for the preceding 26 weeks or to his AWW during the last 26 weeks worked, whichever is greater
DELAWARE	All diseases			Disability or death—within 1 year after claimant knows relation to employment.		Unlimited	Same as for accidents
DISTRICT OF COLUMBIA	All diseases			Within 1 year after injury, death, last payment, or knowledge of relation to employment.		Unlimited	Same as for accidents
FLORIDA	All diseases		Death—following continuous disability and within 350 weeks after last exposure. Employer liable for dust disease only if exposure lasts 60 days	Within 2 years after disablement, death, or last payment		Unlimited	Same as for accidents

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[1] Employer and insurance carrier at time of last exposure are liable in Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Minnesota, New Hampshire, North Carolina, Oklahoma, Tennessee, Vermont, and Virginia. The employer at time of last exposure is liable in Alabama, Arizona, Iowa, Michigan, Missouri, Montana, New Mexico, Pennsylvania, South Dakota, Texas, and Utah. Liability is apportioned among responsible employers in New York and Rhode Island. California limits liability to employer during last year of exposure.

[2] Benefits determined as of the date of last exposure or last injurious exposure in Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, New Jersey, South Dakota, Texas, Washington, Wisconsin, and Wyoming. Benefits determined as of the date of disability, knowledge, or manifestation in Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, and West Virginia.

Ala. *Radiation illness caused by gradual exposure. Pneumoconiosis when dust is due to causes and conditions arising out of and in the course of employment.
**If compensation is payable for occupational disease other than pneumoconiosis or radiation, the only employer liable, if any, shall be employer in whose employment the employee was last exposed.

Ariz. *HIV infection is covered if employee handles body fluids, excluding tears, saliva and perspiration. Specifically excludes sexual activity and illegal drug use as cause of infection.
**Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

Calif. *Peace officers, including firefighters, who develop cancer during service are eligible for benefit if they can demonstrate that they were exposed to a known carcinogen during employment. Disabling psychiatric injury is compensable if at least 10% was caused by employment.
**Date of injury is date of disability and claimant knows/should know relation to employment.

Colo. *Supreme Court held that employees may be entitled to benefits for job-related mental or emotional stress. *City of Boulder v. Streeb, 706 P.2d 786 (1985).*

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1993 (continued)

JURISDICTION	NATURE OF COVERAGE	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION
GEORGIA*	All disease	Independent medical exam by physician chosen by agreement of parties or appointment of the Board.	Within one year of date when employee knew or should have known of existence of an occupational disease but in no event more than seven (7) years after last injurious exposure.**	Within one year of date when employee knew or should have known of existence of an occupational disease but in no event more than seven (7) years after last injurious exposure.	Disability payments	Unlimited	Same as for accidents
GUAM	All disease			Within 1 year after injury, death, or last payment.		Unlimited	Same as for accidents
HAWAII	All disease			Within 2 years after claimant knows relation to employment.		Unlimited	Same as for accidents
IDAHO	All diseases*		Within 1 year after last exposure (4 years for silicosis, 7 years for death following continuous disability). Employer liable for nonacute disease only if exposure lasts 60 days. Silicosis—exposure must occur in 5 years during 10 years prior to disablement (last 2 in-state unless same employer).	Within 1 year after manifestation or death. Silicosis—within 4 years after last exposure. Radiation or unusual disease—within 1 year after incapacity, disability, or death and claimant knows/should know relation to employment.	Disability payments	Unlimited	Same as for accidents. Silicosis—partial disability noncompensable**
ILLINOIS	All diseases		Disability—within 2 years after last exposure (3 years for beryllosis, silicosis or asbestosis, 25 years for radiation).	Disability—within 3 years after disablement or 2 years after last payment. Death—within 3 years after death or last payment. Coal miner's pneumoconiosis—within 5 years after last exposure or last payment. Radiation or asbestosis—within 25 years after last exposure.	Disability payments but with minimum compensation	Unlimited	Same as for accidents
INDIANA	All diseases		Disablement—within 2 years after last exposure (3 years if caused by coal or silica dust, 35 years if caused by asbestos*); radiation—within 2 years after claimant knows/should know relation to employment. Death—within 2 years after disablement or during pendency of disability claim filed within that period; within 2 years after fixed disability expires but no later than 300 weeks after disablement. Employer liable for silicosis or asbestosis only if exposure lasts 60 days.	Within 2 years after disablement or death.	Disability payments	Unlimited	Same as for accidents
IOWA	All diseases	Medical Board may decide controverted medical questions or provide medical examinations for certain employees.	Disability or death—within 1 year after last exposure (3 years for pneumoconiosis, 7 years for death following continuous disability). Pneumoconiosis presumed nonoccupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state).	Within 2 years after death or disablement or 3 years after last payment.* Radiation—within 90 days after disablement or death and claimant knows/should know relation to employment.	Same as for accidents	Unlimited	Same as for accidents. Pneumoconiosis—partial disability less than 33-1/3% is noncompensable**
KANSAS	All diseases		Disability or death—within 1 year after last exposure (3 years for death from silicosis, 7 years for death following continuous disability). Does not apply to radiation. Silicosis presumed nonoccupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer); employer liable only if exposure lasts 60 days.	Within 1 year after disablement, death, or last payment (2 years after last payment in case of silicosis). Radiation—within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents*
KENTUCKY	All diseases*			Disability—within 3 years after last exposure or first manifestation. Death—within 3 years, if it occurs within 3 years after last exposure or first manifestation. Limit waived where voluntary payment or employer knows of disease and cause. No claim more than 5 years after last exposure (20 years in case of radiation or asbestos-related disease).**		Unlimited	Same as for accidents. Where disablement occurs after 5 years' exposure or results from silicosis or pneumoconiosis, apportioned between employer and Special Fund: Fund pays 75% of cost if not conclusively proven to result from last exposure, otherwise pays 40%. Employer pays balance.
LOUISIANA	All diseases		Diseases contracted in less than 1 year presumed to be nonoccupational. Presumption is rebuttable by "overwhelming preponderance of evidence."*	Disability—within 6 months after manifestation, occurrence of disability, or worker knows/should know relation to employment. Death—within 6 months, or within 6 months after worker knows/should know relation to employment.	Same as for accidents	Unlimited	Same as for accidents
MAINE	All diseases		Incapacity—within 3 years after last exposure (does not apply to asbestos-related disease). Employer liable only if exposure lasts 60 days (except for radiation and asbestos related disease). Silicosis presumed nonoccupational absent in-state exposure in 2 years during 15 years preceding disability (part of exposure may be out of state if same employer).*	Within 2 years after incapacity or 1 year after death or last payment (40 years after last payment for asbestos-related disease).** If mistake of fact, within reasonable time but no later than 10 years after last payment. Radiation—limit runs from date of incapacity and claimant knows/should know relation to employment.	Disability payments	Unlimited	Same as for accidents

Ga. *Byssinosis claims diagnosed before July 1, 1983, must be filed before July 1, 1984.
**Year is 200 days exposure over 12 months.

Idaho *AIDS, ARC, HIV infections and Hepatitis B virus are covered for any occupation with exposure to body fluids.
**Silicosis—worker who is affected but not disabled may waive full compensation and, if later disabled, receive benefits up to $5,000.

Ind. *20 years if last asbestos dust exposure occurs on or after 7/1/85, 3 years if last exposure occurred before 7/1/85.

Iowa *Death from respiratory disease of coalminer employed 10 years presumed due to pneumoconiosis.
**Effective 7/1/84, 33% threshold requirement repealed; benefits now payable are prospective only.

Kan. *Worker who is affected but not disabled may waive full compensation and if later disabled receive benefits up to 100 weeks.

Ky. *Black lung claimant must file under state and federal law.
**Applies to asbestos-related disease claims filed on or after 7/15/86.

La. *Mental injury, heart-related and perivascular diseases are not occupational diseases but under certain circumstances are compensable under workers compensation.

Maine *Asbestos-related diseases not covered by Maine Act if at time of last injurious exposure the employee was covered by Federal Longshore Act or F.E.C.A.
**Claim for asbestos-related disease contracted between 11/30/67 and 10/1/83 must be filed by 1/1/85.

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1993 (continued)

JURISDICTION	NATURE OF COVERAGE	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION
MARYLAND	All diseases*			Any action for damages from occupational disease—within 3 years of discovery that occupational disease was cause of illness or death, but not later than 10 years		Unlimited	Same as for accidents
MASSACHUSETTS	All diseases			Within 1 year after injury, or death, excusable	Disability payments	Unlimited	Same as for accidents
MICHIGAN	All diseases			Within 2 years after claimant knows/should know relation to employment		Unlimited	Same as for accidents*
MINNESOTA	All diseases*			Within 3 years after employee's knowledge of cause of injury and disability		Unlimited	Same as for accidents. Non-disabled claimants eligible for medical benefits. Supplemental benefits may be payable after 4 years from date of injury
MISSISSIPPI	All diseases			Within 2 years after injury* or death	Same as for accidents	Unlimited	Same as for accidents
MISSOURI	All diseases		Last employer liable regardless of length of time of last exposure	Within 2 years after injury, death, or last payment (3 years if no injury report filed); limitation runs from date injury is reasonably apparent	Disability payments	Unlimited	Same as for accidents
MONTANA	All diseases	Examinations made by 1 or more members of the occupational disease panel	The employer liable shall be the employer whose employment the employee was last injuriously exposed to the hazard of such disease	Within 2 years after disability and claimant knows/should know relation to employment; may be extended 2 more years.* For death benefits, within one year from the date the beneficiary knew or should have known the decedent's death was related to an occupational disease; however, the time limit may be extended for two more years	Disability payments which were over payments to a worker prior to his death, or compensation paid in a lump sum but yet not recovered under future benefits prior to death	Unlimited	Same as for accidents, excluding partial disability. Worker who is affected but not disabled may leave job and receive compensation up to $10,000. Pneumoconiosis benefits reduced by amount payable under federal law. Silicosis victims or beneficiaries not qualifying for occupational disease benefits may receive up to $200 monthly; supplement is resource indemnity trust financed.**
NEBRASKA	All diseases			Within 2 years after knew/should have known of injury and relation to employment		Unlimited	Same as for accidents
NEVADA	All diseases	Medical review board selected by director; findings conclusive	Silicosis or respiratory dust disease is noncompensable absent in-state exposure in 3 years during 10 years preceding disability or death	Within 90 days after knowledge of disability and relation to employment or 1 year after death. Silicosis or respiratory dust disease—within 1 year after temporary or total disability or death.*		Unlimited	Same as for accidents
NEW HAMPSHIRE	All diseases			Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.*	Disability payments	Unlimited	Same as for accidents
NEW JERSEY	All diseases			Within 2 years after claimant knows relation to employment or last payment		Unlimited	Same as for accidents
NEW MEXICO	All diseases*					Unlimited	Same as for accidents
NEW YORK	All diseases			Within 2 years after disablement or death, or two years after claimant knows/should know relation to employment		Unlimited	Same as for accidents*
NORTH CAROLINA	All diseases	Commission appoints 3-member advisory board for silicosis or asbestosis cases, although the Commission may designate a qualified physician to examine claimant	Death within 2 years after injury; if totally disabled 6 years after injury or 2 years after final determination. Asbestosis—disability or death within 10 years after last exposure; for death following continuous disability, disability must occur within 10 years after last exposure.* Lead poisoning—disability or death within 2 years after last exposure; for death following continuous disability, disability must occur within 2 years after last exposure	Within 2 years after final determination of disability or within 6 years after death from occupational disease		Unlimited	Same as for accidents**
NORTH DAKOTA	All diseases*		Death—within 1 year after injury if no disability, or 1 year after cessation of disability, or 6 years after injury if disability is continuous.**	Within 1 year after injury, within 2 years after death (2 years after injury if no claim prior to death).**		Unlimited	Same as for accidents***

Md. *Disease or injury compensable under federal law (other than Social Security Disability Insurance) is not compensable

Mich. *Silicosis, dust disease, and logging industry fund reimburses compensation over $25,000 or 104 weeks, whichever is greater for injury after 6/30/85; also reimburses benefits in cases of exposure to brominated biphenyl before 7/24/79 and where disability or death occurs/becomes known after 7/24/79

Minn. *Employer and insurer during last significant exposure liable

Miss. *For radiation, date of disablement is date of injury

Mont. *Claimant who is discharged or transferred or ceases employment when it is inadvisable on account of a non-disabling occupational disease to continue employment, may be entitled to amount not exceeding $10,000
**A representative may apply for and receive silicosis payments on behalf of an eligible person or his beneficiary

Nev. *If claimant worked as a policeman or fireman for 5 continuous years and subsequently develops heart or lung disease, it is presumed to have arisen out of employment

N.H. *Date of injury is last date of exposure or first date worker knows/should know relation to employment

N.M. *Occupational Disease Disablement Law applies to employers of 3 or more but excepts employers of ranching and agricultural laborers and domestic servants

N.Y. *Disability or death due to silicosis or dust disease reimbursed from special fund for all payments over 104 weeks

N.C. *Asbestosis or silicosis is noncompensable absent in-state exposure in 2 years during 10 years preceding last exposure or if exposure is less than 30 working days in 7 consecutive months.
**Worker who is affected but not disabled by asbestosis or silicosis or who is removed from exposure receives benefits up to $80 weekly for 104 weeks. If later totally disabled, full compensation is paid. If death results within 2 years after last exposure (350 weeks if caused by secondary infection), full compensation is paid. If partially disabled, 66-2/3% of wage loss is paid for another 196 weeks. If unrelated death, balance of 104 weeks is paid plus 300 weeks (total disability) or percentage of 196 weeks (partial disability). Worker may waive full compensation and receive 104 weeks of compensation plus 100 more weeks if later disabled or dies

N.D. *In order to be compensable, injuries due to heart attack, stroke and mental injury must be causally related to employment and with reasonable medical certainty must have been precipitated by unusual stress.
**Date of injury is date on which a reasonable person knows/should know relation to employment.
***Police and fire personnel who are paid and full-time are eligible for workers compensation if cancer, lung or heart disease develop

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1993 (continued)

JURISDICTION	NATURE OF COVERAGE*	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION*
OHIO	All diseases	Medical specialist in specific cases, findings advisory		Within 2 years after disability or death or within 6 months after diagnosis (whichever is later)		Unlimited	Same as for accidents. No partial disability for respiratory dust disease.*
OKLAHOMA	All diseases			Within 2 years after last exposure or manifestation and diagnosis by a physician		Unlimited	Same as for accidents*
OREGON	All diseases*	Medical arbiter or panel to review impairment rating reconsideration requests		Within one year of worker's discovery of disease, after disablement, or physician informs claimant of the disease		Unlimited	Same as for accidents
PENNSYLVANIA	All diseases	Examination by impartial physician may be ordered	Within 300 weeks after last exposure (except death following disability that occurs within 300 weeks after last exposure). Silicosis, anthracosilicosis, or coalminer's pneumoconiosis—noncompensable absent in-state exposure in 2 years during 10 years preceding disability.*	Within 3 years after disablement, death, or last payment. Radiation—within 3 years after the employee knows/should know relation to employment		Unlimited	Same as for accidents*
PUERTO RICO	All diseases		Disability—within 1 year after last exposure, except diseases with longer latency periods	Within 3 years from time employee learns nature of disability and relation to work or could have learned through reasonable diligence		Unlimited	Same as for accidents
RHODE ISLAND	All diseases	Director of Workers' Compensation appoints one or more impartial physicians; any commissioner can appoint impartial examiner	Disability date determined by the Department or by the Court	Within 2 years from date of discovery. Radiation—within 1 year after claimant knows/should know relation to employment		Unlimited	Same as for accidents
SOUTH CAROLINA	All diseases	Medical board determines controverted medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities	Disease must be contracted within 1 year after last exposure (2 years for pulmonary dust disease), except radiation. Byssinosis is noncompensable absent exposure for 7 years	Within 2 years after definitive diagnosis or 2 years after death. Radiation—limitation runs from date of disability and claimant knows/should know relation to employment	Disability payments	Unlimited	Same as for accidents. Worker who is affected but not disabled may waive compensation (except radiation).
SOUTH DAKOTA	All diseases	Division may contract with physicians for reports	Silicosis—noncompensable absent in-state exposure in 2 years (in-state requirement waived if same employer); employer liable only if exposure lasts 60 days	Within 2 years after disability or death. Radiation—within 1 year after disability and claimant knows relation to employment	Disability payments	Unlimited	Same as for accidents. No permanent partial disability for silicosis.*
TENNESSEE	All diseases			Within 1 year after incapacity or death	Same as for accidents	Unlimited	Same as for accidents. Coalminer's pneumoconiosis—same as Federal Black Lung Act.
TEXAS	All diseases*	Provides for medical committee to pass on controverted questions and with power to order examinations		Within 1 year after the employee knew/should have known that the disease was related to employment		Same as for accidents	Same as for accidents
UTAH	All diseases	Commission appoints medical panel of 1 or more to report on extent of disability	Notification must be given to the employer, or the industrial commission within 180 days after the cause of the action arises. Cause of action is considered to arise on the date the employee knew that the occupational disease was caused by employment	Within 6 years after cause of action arose but not more than 1 year after death	Disability payments	Unlimited	Same as for accidents*
VERMONT	All diseases		Disablement—within 5 years after last exposure. Death—during employment or after continuous disability beginning within 5 years after last exposure, but no later than 12 years after last exposure. Does not apply to radiation	Within 1 year after discovery, death, or last payment. Radiation—within 1 year after first incapacity and worker knew/should have known relation to employment		Unlimited	Same as for accidents. Affected but nondisabled worker may waive full compensation and later receive limited compensation.
VIRGIN ISLANDS	All diseases			Within 60 days after disability		Same as for accidents	Same as for accidents
VIRGINIA	All occupational diseases and some ordinary diseases of life under unusual evidentiary standards of proof		Exposure in 90 workshifts conclusive as to injurious exposure only for pneumoconiosis	Within 2 years after diagnosis is first communicated to worker, or within 5 years after last exposure, whichever is first.* Within 3 years after death occurring within periods for disability	Disability payments	Unlimited	Same as for accidents.** Worker who is affected but not disabled may waive compensation.
WASHINGTON	All diseases			Within 2 years after employee receives written notice by physician		Unlimited	Same as for accidents

Ohio *Includes asbestosis, silicosis, and coalminer's pneumoconiosis. Worker who is affected but not disabled by respiratory dust disease and changes occupation, may receive 50% of SAWW weekly for 30 weeks and immediately following expiration of that award, claimant may receive 66 2/3% of wages lost from change of occupation for 100 weeks, but may not exceed 50% of SAWW.

Okla. *Worker who is affected but not disabled by silicois or asbestosis may waive compensation for aggravation of disease and, if later disabled, receive benefits for 100 weeks up to $2,000.

Oregon *Condition must be established by medical evidence supported by objective findings, and must be the major contributing cause of the consequential condition.

Pa. *Under Occupational Disease Act, state pays $125 monthly for total disability or death caused by silicosis, anthracosilicosis, coalminer's pneumoconiosis, or asbestosis, provided there has been 2 years of in-state exposure, in cases where the claim is barred by the statute of limitations and the last exposure occurred before 1965 or where exposure occurred under several employers.

S.D. *Worker who is affected by silicosis but not disabled may waive full compensation and if later disabled or dies receive benefits up to 52 times the maximum weekly benefit; if leaves employment, may receive compensation up to $1,000.

Texas *Heart attacks covered if medical evidence shows that cause was work-related and not triggered solely by emotional or mental stress, absent a sudden stimulus.

Utah *Worker with permanent partial disability who must change occupation may receive up to $1,000 for vocational rehabilitation and retraining, plus compensation of 66-2/3% of AWW up to 66-2/3% of SAWW for up to 20 weeks, then additional compensation (cumulative total may not exceed $2,080).

Va. *5-year limitation does not apply to cataract of the eyes, skin cancer, radium disability, ulceration, undulant fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma; byssinosis—within 7 years after last exposure; coalminer's pneumoconiosis—within 3 years after diagnosis; asbestosis—within 2 years after diagnosis or if based on changed condition, within 2 years after diagnosis of advanced stage. No claim for an advanced stage of asbestosis shall be denied on the ground that there has been no subsequent accident. Claimant must file claim within 2 years after positive identification of infection with human immunodeficiency virus.
**Compensation for advanced asbestosis or mesothelioma based on wages at a time of diagnosis if employed in same employment where injurious exposure occurred; otherwise based on AWW of worker in similar employment.

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1993 (continued)

JURISDICTION	NATURE OF COVERAGE	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION
WEST VIRGINIA	All diseases	Occupational Pneumoconiosis Board appointed by Commissioner determines medical questions	Occupational pneumoconiosis is noncompensable absent 2 years continuous exposure in 10 years before last exposure or 5 years cumulative exposure within 15 years before date of last exposure	Within 3 years after knowledge or last exposure. Within 2 years after death		Unlimited	Same as for accidents*
WISCONSIN	All diseases	May appoint independent medical expert in doubtful cases	Disability date is last day of work for last employer whose employment caused disability	Unlimited. After 12 years claim may be filed with state fund		Unlimited	Same as for accidents
WYOMING	All diseases			Within 1 year after diagnosis or 3 years after exposure, whichever is last. Radiation—within 1 year after diagnosis or death	Disability payments	Unlimited	Same as for accidents
F.E.C.A.	All diseases			Within 3 years after injury, death, or disability and claimant knows/should know relation to employment, excusable		Unlimited	Same as for accidents
LONGSHORE ACT	All diseases			Within 2 years after knowledge of relation to employment or 1 year after last payment		Unlimited	Same as for accidents*
ALBERTA	All diseases	Referred to external specialist		Within 1 year after injury or death, excusable		Unlimited	Same as for accidents
BRITISH COLUMBIA	All diseases in schedule or otherwise recognized under Act *	An appeal is available to a Medical review panel which issues final decision on disputed medical questions		Within 1 year after injury, death or disablement by disease, excusable within **		Unlimited	Same as for injuries
MANITOBA	Occupational diseases, excluding ordinary diseases of life and stress, other than an acute reaction to a traumatic event	Medical Review Panel reports on medical questions		Within one year after injury or death, may be enlarged		Unlimited	Same as for accidents
NEW BRUNSWICK	All defined industrial diseases			Within 1 year after injury or 6 months after death		Unlimited	Same as for accidents
NEWFOUNDLAND	All diseases	Committee of medical referees appointed by Commission	Date of disability is considered to be date of injury	Within 6 months after injury, disablement, or death		Unlimited	Same as for accidents
NORTHWEST TERRITORIES	All diseases	Board may require examination by impartial physician	Date of accident is deemed to be date of the disablement	Disability—within 1 year after injury, excusable. Death—within 3 years after last employment and within 3 years after death		Unlimited	Same as for accidents
NOVA SCOTIA	All diseases	Board may appoint medical board to advise on silicosis and coal miner's pneumoconiosis cases	Disablement or death within 1 year after last employment (no limit for radiation)	Within 6 months after injury or death. Silicosis or coal miner's pneumoconiosis—within 5 years after last employment and within 1 year after discovery of relation to employment; excusable but paid only from filing date		Unlimited	Same as for accidents
ONTARIO	All diseases	Industrial Disease Standards Panel*	Date of diagnosis is considered to be date of accident	Within 6 months after injury or death, excusable		Unlimited	Same as for accidents
PRINCE EDWARD ISLAND	All industrial diseases	The Board may appoint a medical panel to advise on disputed medical issues	Disablement within 1 year after last exposure	Within 6 months after injury or death		Unlimited	Same as for accidents
QUEBEC*	All diseases**	All pulmonary diseases are submitted to Committee on Occupational Lung Diseases ***		Within 6 months after worker, or beneficiary in case of death, is made aware of disease		Unlimited	Same as for accidents
SASKATCHEWAN	All industrial diseases	Medical panel issues final decision on disputed medical questions		Within 6 months after injury or death		Unlimited	Same as for other injury
YUKON TERRITORY	All diseases	Disputes may be referred to 1 practitioner for decision		Within 1 year after injury or death; excusable on death of worker from disease by a dependent within 2 years of the day on which the worker was last exposed		Unlimited	Same as for accidents
CANADIAN MERCHANT SEAMEN'S ACT	All diseases	Disablement in the course of employment "otherwise than as a result of an accident" is compensated as for an accident					

W.V. *Pneumoconiosis benefits paid from Coal-Workers' Pneumoconiosis Fund.

Longshore *In permanent partial disability claims due to occupational disease where times of injury occurs after retirement, compensation is 66-2/3 of AWW times percentage of permanent impairment (according to AMA guidelines) payable while impairment continues.

B.C. *Certain illnesses are presumed caused by work exposure as provided in schedule.
**After 3 years, compensation is payable only from date of filing.

Ont. *Panel reports to the Minister of Labour. Panel reviews and makes recommendations regarding compensation policies for occupational disease, which may be accepted or rejected by the W.C. Board.

Quebec * Any worker who suffers from an occupational disease and is at least 55 years of age, or at least 60 years of age for any other injury, will have to be provided with suitable employment by their employer, where available.
**Cerain diseases are presumed caused by work exposure as provided in Schedule.
***Committee formed by Minister of Labour.

Yukon *Within 3 years after accident in just case if proof is filed with Commissioner.

CHART V OCCUPATIONAL HEARING LOSS January 1, 1993

JURISDICTION	SEPARATION FROM NOISE BEFORE FILING	MINIMUM EXPOSURE IN LAST EMPLOYMENT	LIABILITY FOR PRIOR LOSS	BENEFITS		DEDUCTION FOR PRESBYCUSIS	FAILURE TO USE PROTECTIVE DEVICE	COMPENSABLE LOSS OF HEARING (IN DB)	LOSS OF HEARING CONSIDERED TOTAL (IN DB)	CYCLES AT WHICH LOSS IS MEASURED
				Total Loss	One Ear					
DISTRICT OF COLUMBIA	6 months			200 weeks	52 weeks					
GEORGIA	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500-1,000-2,000
ILLINOIS				200 weeks	100 weeks			Over 30	85	1,000-2,000-3,000
IOWA	6 months	90 days	No	175 weeks	Proportionate		No compensation	Over 25 ANSI/ISO	92 ANSI/ISO	500-1,000-2,000-3,000
MAINE	30 days	90 days	No	200 weeks	50 weeks	Yes		Over 15 ASA (25 ANSI)	82 ASA (92 ANSI)	500-1,000-2,000
MARYLAND		90 days	Implead prior employers			Yes		Over 15	82	500-1,000-2,000
MINNESOTA	No requirement	N/A*	Not if adequately documented by a preexisting medical report	224 weeks	N/A	No	No connsequence	Schedule of PP disability, Minnesota Rules Part 5223.0040, is used to measure impairment	Schedule of PP disability, Minnesota Rules Part 5223.0040, is used to measure impairment	500-1,000-2,000-3,000
MISSOURI	6 months	(*)	No	168 weeks	44 weeks	Yes	Compensation and death benefits reduced by 15%	Over 15 ASA (25 ANSI/ISO)	82 ASA (93 ANSI/ISO)	500-1,000-2,000
MONTANA	6 months	90 days, 8 hours daily	No	200 weeks	40 weeks	Yes		Over 25 ISO '64	92 ISO '64	500-1,000-2,000
NEW JERSEY	4 weeks	1 year, 3 days weekly during 40 weeks	No	200 weeks	Loss must be binaural	Yes	No compensation	Over 20 ASA '51 (30 ANSI '69)		1,000-2,000-3,000
NEW YORK	3 months*	Under 90 days presumed non-compensable	Implead prior employers	150 weeks	60 weeks	No		Over 25 (ANSI '69)	92 (ANSI '69)	500-1,000-2,000-3,000
NORTH CAROLINA	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500-1,000-2,000-3,000
NORTH DAKOTA				200 weeks	50 weeks	Yes		Over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000
OREGON			No, if adequately documented by a pre-employment audiogram	$60,601.00	$18,938.00	Yes		Over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000-4,000-6,000
RHODE ISLAND	6 months		No	100 weeks, lump sum	17 weeks, lump sum			*	*	500-1,000-2,000-3,000
SOUTH CAROLINA	No requirement	No requirement	No	165 weeks	80 weeks			Over 25	92 (ANSI '69)	500-1,000-2,000-3,000
SOUTH DAKOTA	6 months	90 days	No	150 weeks	Proportionate	Yes	No compensation	Over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000
UTAH	6 weeks		No	109 weeks	Proportionate	No		Over 25 ANSI '69	90 (53.6 ANSI '69)	500-1,000-2,000-3,000
VIRGIN ISLANDS	6 months			180 weeks	120 weeks					
VIRGINIA								27 ASA	90 ASA	500-1,000-2,000-3,000
WEST VIRGINIA	No requirement	No requirement	Yes, unless prior non-industrial loss is ascertained and stated or prior industrial loss is reduced to award.	220 weeks*	90 weeks*	No	No consequence	Over 27.5 (ANSI '69)	90 (ANSI '69)	500-1,000-2,000-3,000
WISCONSIN*	7 days	90 days	No	216 weeks	36 weeks		15% decreased compensation	Over 30 ANSI	93	500-1,000-2,000-3,000
LONGSHORE ACT			Last covered employer	200 weeks	52 weeks			Over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000

Minn. *Occupational disease—employer on risk at the time of last significant exposure. Injury-causation test.

Mo. *Employment in which employee was last exposed to hazards for which claim is made regardless of the length of time of such last exposure.

N.Y. *Claimant may file up to 3 months after separation from employment.

R.I. *Latest standards of AMA's *Guide to the Evaluation of Permanent Impairment* is used to measure hearing impairment.

West Va. *Additional award up to 20 weeks for impaired speech discrimination.

Wis. *No compensation may be paid for tinnitus that occurs on or after 1/1/92.

PART 2

BENEFITS PROVIDED

Because workers' compensation imposes an absolute (but limited) liability upon the employer for employee disabilities caused by the employment, the benefits payable to the injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are:

- **Cash benefits,** which include both impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment *and* a wage loss.
- **Medical benefits,** which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- **Rehabilitation benefits,** which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

CASH BENEFITS

In considering workers' compensation income or cash benefits—which replace employee loss of income or earning capacity due to occupational injury or disease—*four classifications of disability* are used: (1) temporary total, (2) permanent total, (3) temporary partial, and (4) permanent partial. Permanent partial is divided into "nonscheduled" and "scheduled" disabilities.

Most cases involve *temporary total disability.* That is, the employee—although totally disabled during the period when benefits are payable—is expected to recover and return to employment. *Permanent total disability* generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITY: CHART VI

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart VI. For computing weekly benefit payments, a formula—expressed as a percentage of wage—is used. In most states limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and total dollar amount of benefit eligibility. Where there is permanent total disability most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts for dependents and other benefits. Allowances for dependents are charted as a range in the Maximum Weekly Payment and Notations columns.

PARTIAL DISABILITY

Most awards and the preponderance of dollars paid out as income benefits are either for temporary total or permanent partial disability. As partial disabilities involve current earnings or wage-earning ability, in many states weekly benefit payments for temporary or permanent *partial disabilities* of the "non-scheduled" type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after injury. In some states "non-scheduled" permanent partial disabilities are compensated as a percentage of the total disability cases.

INCOME BENEFITS FOR SCHEDULED INJURIES: CHART VII

Chart VII indicates maximum amounts payable in cases of "scheduled" injuries. Listed by law, these injuries involve loss—or loss of use of—specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions the actual amount payable is a specific number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The chart also indicates whether the "scheduled" award is in addition to any payment otherwise payable to the employee while he may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

The Canadian statutes do not provide schedules of specific injuries. Cases are decided individually using medical impairment ratings as guidelines.

SURVIVOR BENEFITS FOR FATAL INJURIES: CHART VIII

Benefits payable in the event of fatal injuries—comprising more than 14 percent of all total income benefits—are shown in Chart VIII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although death is the ultimate work-related tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as a maximum period for the payment of benefits. Figures for one child only reflect compensation if sole survivor.

MEDICAL BENEFITS, WAITING PERIOD: CHART IX

Medical Benefits—amounting to almost 30 percent of all workers' compensation benefits paid—are shown in Chart IX. In most instances unlimited medical benefits are provided either specifically by statute or by administrative discretion.

Choice of Physician—Practices vary with respect to choice of attending physician. States are divided nearly evenly between those that give this decision to the employer or the employee. In some states selection must be made from an approved list. The employer normally has the right to have his own physician conduct an examination.

Waiting Periods—Statutes provide that a waiting period must elapse during which income benefits are not payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart IX.

REHABILITATION BENEFITS: CHART X

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this (for example, where it includes vocational rehabilitation and retraining).

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart X. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

CHART VI INCOME BENEFITS FOR TOTAL DISABILITY January 1, 1993

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT[2]	AUTOMATIC COST OF LIVING INCREASE	OFFSETS[3]	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
ALABAMA	66 2/3	$400.00	100% SAWW	$110.00	27.5% SAWW[1]	Disability				Annual increase in maximum effective July 1.*
ALASKA	80% of spendable earnings	700.00		154.00 110.00*		Disability			Social Security, unemployment compensation, employer-funded pension or profit sharing plan	
AMERICAN SAMOA	66 2/3	205.00		40.00		Disability				Compensation increased 10% if installment without award unpaid after 14 days, 20% if installment following award unpaid after 10 days
ARIZONA	66 2/3	327.95*				TT—Disability PT—Life				Benefits payable monthly. Additional $25 monthly if 1 or more total dependents, not subject to maximum. If claim was handled in bad faith or was done unfairly, additional benefit of 25% of total or $500, whichever is greater
ARKANSAS	66 2/3	252.30	70% SAWW	20.00		TT—450 weeks PT—Life	*TT—$113,535.00*		Unemployment compensation, Social Security	Maximum effective January 1. 25% penalty for employer's violation of safety laws. Employer may pay a lump sum equal to present value of all future payments computed at a discount of no more than 10%.*
CALIFORNIA	66 2/3	336.00		126.00*		TT—Disability PT—Life		TT—after 2 years	Unemployment compensation, Social Security	50% increased compensation if injury due to employer's serious, willful misconduct. Compensation increased by 10% if undue delay in payment. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable
COLORADO	66 2/3	414.05	91% SAWW			TT—Disability* PT—Life			Social Security, unemployment compensation	Annual increase in maximum effective July 1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication
CONNECTICUT	80% of after-tax income	759.00	150% SAWW	153.80*	20% of maximum	Disability		October 1		Annual increase in maximum effective October 1. Additional $10 weekly per dependent child under 18, maximum 50% of basic benefit or 75% of wage (whichever is less). Compensation increased to 75% of wages if employer violated OSHA regulation.**
DELAWARE	66 2/3	327.83	66 2/3% SAWW	109.28	33 1/3% of maximum	Disability				Annual increase in maximum effective July 1
DISTRICT OF COLUMBIA	66 2/3	647.84*	100% SAWW*	161.96*	25% SAWW	Disability		PT—January 1, maximum 5%*	Social Security, employer-funded pension	Annual increase in maximum effective January 1*
FLORIDA	66 2/3	425.00	100% SAWW	20.00		TT—260 weeks PT—Disability	*TT—$110,500.00*		Unemployment compensation, Social Security	Annual increase in maximum effective January 1. Compensation increased 10% if installment unpaid after 14 days.* Compensation reduced by 25% if employee refuses to use a safety device provided by the employer.**
GEORGIA	66 2/3	250.00		25.00		Catastrophic length of disability Noncatastrophic 400 weeks				Board may assess penalties of not more than $1,000, or less than $100 for refusal, unreasonable delay, or willful neglect to make payment.*
GUAM	66 2/3	250.00	66 2/3% SAWW	PT—150.00		Disability	$100,000.00			Compensation increased 10% for late payment without award, 20% if award
HAWAII	66 2/3	460.00	100% SAWW	TT—115.00* PT—115.00	TT—25% SAWW* PT—25% SAWW	Disability		PT—injuries prior to January 1, 1992		Annual increase in maximum effective January 1. Compensation may be increased 10% for failure to pay within 31 days after decision or award, or within 10 business days for uncontroverted temporary total disability case
IDAHO	67	335.70	90% SAWW	167.85	45% SAWW	Disability		after 52 weeks		Annual increase in maximum effective January 1. For first 52 weeks benefit is 67% of worker's wages if there are no dependent children under 18; after 52 weeks benefit is 67% of SAWW. Benefit is increased 7% of SAWW per dependent child (up to 5), but may not exceed 90% of wages. 8% interest on late payments.*
ILLINOIS	66 2/3	670.13	133 1/3% SAWW	TT—100.90* PT—251.30	PT—50% SAWW	TT—Disability PT—Life		PT—July 15 of 2nd year		Semiannual increases in maximum effective January 15 and July 15.**
INDIANA	66 2/3	328.00*		75.00		500 weeks	*$164,000.00*			After 500 weeks, additional benefits are payable from second injury fund in 150-week increments.**
IOWA	80% of spendable earnings*	755.00**	200% SAWW	0.92***		Disability				Annual increase in maximum effective July 1. Benefits increased 50% if late or stopped without good cause

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[1] Actual weekly wage if less

[2] Amounts shown in italics have been calculated

[3] Social Security offsets generally apply by formula up to 50% of basic benefit

Ala. *Compensation may be increased up to 15% for failure to pay within 30 days after due. Disqualification occurs if an accident is caused by being impaired by illegal drugs. A drug test may be performed after an accident. No compensation awarded if employee refuses to submit to drug test.

Alaska *Spendable weekly earnings if less. $154 with wage documents, $110 without wage documents

Ariz. *Maximum monthly wages are $2,100 effective 7/1/91

Ark. *18% penalty for failure to pay without an award, 20% penalty for failure to pay with an award. Benefits are subject to child support withholding

Calif. *$126 or SAWW if less than $126

Colo. *TT payments cease when claimant reaches maximum medical improvement, is able to return to work, or as otherwise determined by Director

Conn. *80% of average weekly wage, if less
**12% interest benefits added if undue delay in payment, 10% if undue delay in adjustment (4 weeks is presumed undue delay)

D.C. *Maximum is 100% SAWW, minimum is 25% SAWW or 80% of actual earnings if less. Benefits for D.C. government employees are similar to F.E.C.A.

Fla. *Compensation increased 20% if unpaid 30 days after award. Also, $50 fine for every installment not paid when it becomes due
**No compensation is payable if injury was caused primarily by the use of any drug, including alcohol. If employee refuses to take a drug test, it is presumed that drug use caused the accident

Ga. *Income payable without award increased 15% if not paid within 14 days of becoming due unless claim is controverted or Board excuses. Awarded benefits increased 20% if not paid within 20 days unless Board grants review. No compensation payable if employee was intoxicated or under the influence of a controlled substance.

Hawaii *Actual wages if less, but no less than $38

Idaho *Benefits reduced by 50% if injury was the result of alcohol or a non-prescription controlled substance

Ill. *Minimum TT benefit is $100.90 if unmarried and ranges up to $124.30 if 4 or more dependents. In all cases claimant receives actual wage if less
**TT benefits may be increased $10 per day, up to $2,500, for unreasonable delay in payment; 14 days is presumed unreasonable. Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful violation of safety standard

Ind. *SAWW increased to $441 on 7/1/91. TTD benefits are subject to child support withholding
**Award is increased 5% if employer loses on court appeal; court may increase to 10%

Iowa *Elected or appointed officials may choose to have their compensation based on their weekly earnings or they may choose to receive compensation equal to 140% of the SAWW
**Effective 7/1/92-6/30/93
***Minimum based on weekly wage of $1.00

CHART VI ☐ INCOME BENEFITS FOR TOTAL DISABILITY ☐ January 1, 1993 (continued)

		MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT						
JURISDICTION	PERCENT OF WAGES	AMOUNT	RATE	AMOUNT	RATE	TIME LIMIT	AMOUNT LIMIT[1]	AUTOMATIC COST OF LIVING INCREASE	OFFSETS[2]	NOTATIONS
KANSAS	66 2/3	$299.00	75% SAWW	$25.00		Disability	TT—$100,000.00 PT—$125,000.00 (includes TT)			Annual increase in maximum effective July 1. Compensation may be increased up to $100 per week past due (plus up to $25 per week past due, or 10% of medical, whichever is greater, for failure to pay medical bill).**
KENTUCKY	66 2/3*	394.39	100% SAWW	78.88	20% SAWW	Disability				Annual increase in maximum effective January 1. Compensation increased or decreased 15% if injury caused by safety violation. 12% interest on late payments; 18% if administrative law judge determines that delay was without reasonable foundation.
LOUISIANA	66 2/3	307.00	75% SAWW	82.00	20% SAWW	TT—6 months* PT—Disability			Social Security,** unemployment compensation, employer-funded disability, federal workers' compensation	Annual increase in maximum effective September 1. No compensation paid if employee was intoxicated or under the influence of a non-prescription controlled substance, unless intoxication resulted from activities in pursuit of employer's interest.***
MAINE	80% of after tax average weekly wage	441.00	90% SAWW				(*)	For injuries on and after 1/1/93, there is no provision for automatic cost of living increase	Employer funded benefits, old age Social Security, unemployment benefits	Annual increase in maximum effective January 1.** Employee who terminates active employment and is receiving nondisability pension and retirement benefits and was paid weekly benefits is presumed not to have loss of earnings. This may be rebutted because of work-related disability.
MARYLAND	66 2/3	494.00	100% SAWW	TT—50.00		Disability	$45,000.00 PT-continuing benefits for accident/occupational diseases occurring after 7/1/73	PT—January 1 maximum 5%		Annual increase in maximum effective January 1. If permanent disability exceeds 50% of whole body, worker receives additional compensation from Subsequent Injury Fund after completion of payments by employer.
MASSACHUSETTS	60	543.30	100% SAWW	65.20	PT—20% SAWW maximum	Disability	TT—$84,754.80*		Unemployment compensation, pension, old age Social Security	Annual increase in maximum effective October 1. Additional $6 weekly per dependent if total benefit does not exceed $150 or 100% of wages.**
MICHIGAN	80% of spendable earnings	457.00	90% SAWW	PT—126.70	PT—25% SAWW	Disability*			Disability, unemployment compensation, pension, old age Social Security retirement**	Annual increase in maximum effective January 1. Additional $50 per day for award unpaid after 30 days, maximum $1,500.***
MINNESOTA	66 2/3	481.95	105% SAWW	221.50	20% SAWW*	TT—90 days after maximum medical improvement or end of retraining		Anniversary of injury	Social Security after $25,000 paid for PTD**	Annual increase in maximum effective October 1. Late payment may be increased 10% if inexcusably delayed, plus interest.
MISSISSIPPI	66 2/3	227.18*	66 2/3% SAWW			450 weeks	$102,231.00			Annual increase in maximum effective January 1. Additional rehabilitation allowance up to $10 weekly for 52 weeks.**
MISSOURI	66 2/3	431.26	105% SAWW	40.00		TT—400 weeks PT—Life	TT—$172,504.00			Annual increase in maximum effective August 28. 8% interest for late payments. One time lump sum award may be reached through a compromise settlement.***
MONTANA	66 2/3	349.00	100% SAWW			Disability*		As of 7/1/90, max of 10% annual COLA adjustments rate no more than % increase in SAWW or 3%, whichever is less	Social Security	Annual increase in maximum effective July 1. PT benefits may be paid out in a lump sum, limited to $20,000, and may be discounted to present value based on average rate for U.S. 10-year treasury bills. Compensation may be increased 20% if payment unreasonably delayed or refused.
NEBRASKA	66 2/3	265.00		49.00		Disability				
NEVADA	66 2/3	432.39	150% SAWW			TT—Disability PT—Life			Social Security	Annual increase in maximum effective July 1. TT benefits payable bi-weekly. PT benefits payable monthly. Maximum $1,000 fine if undue delay in payment.
NEW HAMPSHIRE	66 2/3*	676.50	150% SAWW	180.40**	40% SAWW	Disability		Third anniversary of injury, July 1 thereafter		Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard.***
NEW JERSEY	70	431.00	75% SAWW	115.00	20% SAWW	TT—400 weeks PT—450 weeks			Social Security	Annual increase in maximum effective January 1. After 450 weeks at reduced rate if employed, at full rate if not able to be rehabilitated.

Kan. *12% penalty if undue delay in payment.
**Employer not liable if injury was primarily caused by the use of a non-prescription controlled substance.

Ky. * 80% of AWW during rehabilitation.

La. *TT payable until claimant reaches maximum medical improvement or for 6 months, whichever is less. He may, however, submit a claim for an extension beyond 6 months.
**PT benefits reduced so that combined Social Security and PT benefits do not exceed 80% of pre-injury wages. Lump sum payments allowed upon director's approval and may be discounted at no more than 8% per year. Monthly supplemental earnings benefits cannot exceed 4-3/10 times TT benefits.
***12% interest if undue delay in payment.

Maine *Employee who is able to perform full-time remunerative work in the ordinary competitive labor market in the state, regardless of the availability of such work in and around the employee's community is not eligible for total compensation, but may be eligible for compensation for partial incapacity. For partial incapacity benefits, compensation paid to employee for duration of disability if work-related injury results in permanent impairment of 15% of body. Other cases, payment of partial compensation limited to 260 weeks.
**Carrier may be assessed up to $100 per day for failure to pay award within 10 days.

Mass. *260 times SAWW; includes permanent partial disability.
**Double compensation if injury due to employer's serious and willful misconduct. If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury.
Eligible for supplementary benefits after 24 months, calculated on October 1, equal to base benefit times percent increase in SAWW over SAWW at time of injury.

Mich. *Conclusive presumption of PT disability does not exceed beyond 800 weeks from injury; thereafter determined in accordance with facts.
**Benefits reduced if claimant is eligible for Social Security and such benefits are not being coordinated.
***Employees eligible for deaf benefits receive ½ SAWW.

Minn. *Or employee's AWW, whichever is less; $91.80 through 9/30/93. After 208 weeks' total disability, supplementary benefits bring compensation to 50% of SAWW; $229.50 through 9/30/93.
**Other government disability benefits from same injury also offset.

Miss. *Lump sum awarded in special cases, equal to present value of future payments, less 4%, compounded annually.
**If award is not paid within 14 days, 20% interest added (10% if no award).

Mo. *Compensation increased 15% if injury caused by failure to comply with statute or order, decreased 15% if caused by worker's failure to use safety device.
**If employer has a drug-free workplace program and the injury was primarily caused by intoxication, employee forfeits right to benefits.

Mont. *Compensation terminates upon receipt of or eligibility for Social Security retirement benefits, when claimant is receiving permanent total disability benefits.

N.H. *Any claimant who holds 2 jobs concurrently shall have their average weekly wage computed from their two salaries, but not to exceed 100% of their after tax earnings.
**If AWW is 40% or less of the SAWW, employee is then compensated at a rate equal to his AWW but not to exceed 100% of their after tax earnings.
***Employer not liable for injury if worker was intoxicated by a non-prescription controlled substance unless employer was aware of intoxication.

CHART VI ☐ INCOME BENEFITS FOR TOTAL DISABILITY ☐ January 1, 1993 (continued)

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT*	AUTOMATIC COST OF LIVING INCREASE	OFFSETS	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
NEW MEXICO	66 2/3	$321.83	85% SAWW	$36.00		PT—Life*			Unemployment benefits	Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety devices. 10% decrease for failure to use provided safety device.**
NEW YORK	66 2/3	400.00		TT—40.00 PT—40.00		Disability			Social Security	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base.*
NORTH CAROLINA	66 2/3	442.00	110% SAWW	30.00		TT—Disability PT—Life				Annual increase in maximum effective January 1.
NORTH DAKOTA	66 2/3	343.00 plus dependents	100% SAWW	206.00	60% SAWW	Disability			Social Security Disability and Social Security Retirement*	Annual increase in maximum effective July 1. Additional $10 weekly per dependent child under 18, or to age 22 if child is attending a full-time educational institution; total benefits may not exceed claimant's net take home pay.**
OHIO	72% first 12 weeks 66 2/3—after 12 weeks 66 2/3% if receiving Social Security retirement benefits*	460.00	100% SAWW	TT—147.67 PT—221.50	TT—33 1/3% SAWW PT—50% SAWW	TT—Disability** PT—Life			Employer funded benefits	Annual increase in maximum effective January 1. If PT benefit plus Social Security are less than $215.03 weekly, Disabled Workers' Relief Fund pays the lesser of the difference between the DWRF rate and PT or the DWRF rate and social security; amount increased annually by increase in Consumer Price Index.
OKLAHOMA	70*	277.00	70% SAWW	30.00		TT—150 weeks**	*TT—$41,550.00*			Maximum amounts adjusted every three years, based on state average weekly wage. Current rates effective 11/1/90 through 10/31/93.***
OREGON	66 2/3	444.55	100% SAWW	50.00*		Disability			PT—Social Security	Annual increase in maximum effective July 1. Injuries primarily caused by a controlled substance are not compensable. Up to 25% increase if unreasonable delay in payment.
PENNSYLVANIA	66 2/3	475.00	100% SAWW	158.33*	33 1/3% SAWW*	Disability				Annual increase in maximum effective January 1.
PUERTO RICO	66 2/3	65.00		20.00		TT—312 weeks PT—Life	*$24,300.00**			Compensation doubled if due to employer's violation of safety or health law or regulation.
RHODE ISLAND	75% of spendable income	440.00 plus $15.00 per dependent*	100% SAWW			Disability		Increases effective 5/10 and are based on the Consumer Price Index for employees receiving total incapacity benefits for one year or partial incapacity extending beyond 312 weeks		Annual increase in maximum effective September 1. Additional $15 per dependent child under 18, 23 if in an accredited institution; total benefit may not exceed 80% of pre-injury wages. 20% increase if payment not made within 14 days of becoming due.**
SOUTH CAROLINA	66 2/3	393.06	100% SAWW	75.00		500 weeks*	*$196,530.00*			Annual increase in maximum effective January 1.
SOUTH DAKOTA	66 2/3	321.00	100% SAWW	161.00	50% SAWW	TT—Disability PT—Life		July 1st, for injuries on or after 7/1/88		Annual increase in maximum effective July 1.
TENNESSEE	66 2/3	318.24*	78% SAWW	35.00		TT—Disability PT—400 weeks	*$127,296.00*			After 400 weeks PT benefit is reduced to $35. Compensation may be increased 25% for failure to pay claim. Annual increase in maximum effective July 1.
TEXAS	70*	456.00	100% SAWW	68.00	15% SAWW	TT—104 weeks** PT—401 weeks**	(**)	3% annually for benefits granted for life		Maximum and minimum benefits are established on September 1 annually. Benefits are subject to withholding for child support.
UTAH	66 2/3	TT—401.00 PT—341.00	TT—100% SAWW PT—85% SAWW	45.00		Disability*			Social Security Disability and Retirement	Annual increase in maximum effective July 1. Additional $5 if spouse, plus $5 per dependent child under 18 (up to 4); total benefit may not exceed maximum.*
VERMONT*	66 2/3	611.00**	150% SAWW	204.00	50% SAWW	Disability**		July 1		Annual increase in maximum effective July 1. Additional $10 per unmarried dependent child under 21; total benefits may not exceed pre-injury wages.***
VIRGIN ISLANDS	TT—66 2/3* PT—75	282.00	66 2/3% SAWW*	60.00		Disability		After 2 years on January 1	PT—Social Security Disability and Retirement	Annual increase in maximum effective January 1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.*
VIRGINIA	66 2/3	434.00	100% SAWW	108.50	25% SAWW	TT—500 weeks PT—Disability*	TT—*$217,000.00*	October 1**		Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due. Benefits subject to child support withholding.

N.M. *Except for total disability resulting from primary mental impairment in which case the maximum period is 100 weeks.
**If determined award is not paid timely, a workers' compensation judge may order the entire balance of the award due.

N.Y. *No compensation payable if injury was solely caused by intoxication from alcohol or a controlled substance.

N.D. *Offset for retirement may not exceed 40% of weekly Social Security benefit. Offset for disability may not exceed 50% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of $201 per week.
**No compensation paid if injury was result of using an intoxicant on the job.

Ohio *Maximum PT rate is 66-2/3% SAWW unless claimant receives Social Security, which, combined with PT, brings maximum up to 100% SAWW.
**After 200 weeks claimant examined to determine if disability is permanent. Claimant who receives an initial award of 90 days TT compensation will be required to be examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.

Okla. *Effective 9/1/92.
**Court order may extend benefits for up to 300 weeks.
***10% penalty if not paid within 10 days after becoming due.

Ore. *90% of actual wages, if less.

Pa. *90% of wages if less, but no less than 33-1/3% of SAWW ($158.33, effective 1/1/93).

P.R. *May be paid in monthly installments of $65 to $200 for life; if converted to lump sum payment, total sum not to exceed $24,300.

R.I. *Total award (TT and payments to dependents) may not exceed 80% of AWW.
**No compensation for PT disability if worker is earning pre-injury wages. Lump sum benefits available after benefits have been received for 6 months. Dependency allowance may be increased if the number of dependents increases during the time when an employee is receiving weekly benefits. Medical review required 26 weeks from date of compensable injury.

S.C. *Person who is para or quadraplegic or has suffered brain damage shall receive PT benefits for life. Commission may not order lump sum payment in such cases.

Tenn. *From date injury is determined to be permanent.

Texas *75% if earning less than $8.50/hour.
**For life in case of amputation or paralysis of two limbs, loss of vision in both eyes, or permanent insanity, at a rate of 75% AWW. Annual increase does not apply to benefits granted for life.

Utah *Disability beyond 312 weeks is payable from Employers' Reinsurance Fund; minimum 36% SAWW.

Vt. *Employer must notify employee, who has not successfully returned to work, and the Commissioner, prior to terminating temporary total disability payments. Notice of payment discontinuation must include date and reason for discontinuation.
**PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.
***Benefits may be disallowed if injury results from worker's failure to use safety device.

V.I. *During vocational rehabilitation, income benefits are 75% of AWW, maximum SAWW, minimum $75 or actual wages if less.

Va. *500 week limit for certain PT cases.
**Recipient of Social Security may be eligible for cost of living increases.

CHART VI ☐ INCOME BENEFITS FOR TOTAL DISABILITY ☐ January 1, 1993 (continued)

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT[2]	AUTOMATIC COST OF LIVING INCREASE	OFFSETS[3]	NOTATIONS
		AMOUNT[1]	RATE	AMOUNT	RATE					
WASHINGTON	60 to 75 depending on conjugal status	$435.57*	100% SAWW	$46.25		Disability		July 1	Social Security under age 65 Disability Retirement	Benefits payable monthly. Annual increase in maximum effective July 1. 60% of wage, additional 5% of wages for spouse, plus 2% of wages per dependent child (up to 5), up to maximum. Benefits subject to child support withholding
WEST VIRGINIA	70	405.44	100% SAWW	135.15	33 1/3% SAWW	TT—208 weeks PT—Life	TT—$84,332.00			All but TT benefits payable monthly. Annual adjustment in maximum effective July 1.*
WISCONSIN	66 2/3	450.00	100% SAWW	20.00		TT—Disability PT—Life			Social Security	Annual increase in maximum effective January 1, 1992 through December 31, 1993.*
WYOMING	TT—66 2/3 or SAMW	TT—404.00* PT—269.31 Plus dependents	TT—66 2/3% or up to SAMW PT—66 2/3% SAMW	PT—269.31	PT—66 2/3% SAMW	TT—Disability PT—Life	(**)			Benefits payable monthly. Quarterly increases in maximum effective January 1, April 1, July 1, and October 1. PT benefit fixed at 66 2/3% of SAMW
F.E.C.A.	66 2/3 or 75	1,246.88	66 2/3% or 75% of highest rate for GS 15	193.01	66 2/3% or 75% of lowest rate for GS 2	TT—Disability PT—Life		March 1	(*)	Benefits payable monthly. Benefits effective 1/10/93. Higher percentage payable if 1 or more dependent
LONGSHORE ACT	66 2/3	721.14	200% NAWW*	180.29[1]*	50% NAWW*	Disability		PT—October 1	Jones Act, other workers compensation benefits	Annual increase in maximum effective October 1
ALBERTA[4]	90% of weighted net income	525.83[5]		217.56[1,5]		TT—Disability PT—Life		-		PT payable monthly. Maximum annual earnings are $42,000 effective January 1, 1992
BRITISH COLUMBIA[4]	75	727.81		261.44		TT—Disability PT—Life		January 1 and July 1		PT payable monthly. Maximum annual earnings $50,600. Annual increase in maximum effective January 1
MANITOBA[4]	90% net (80% after 24 months)					To age 65*		Second anniversary of the accident & annually thereafter	Can. Pension Plan Disability Benefits, & Disability	Benefits payable periodically. Maximum annual earnings $47,000. Annual adjustment in maximum effective January 1
NEW BRUNSWICK[4]	80% of net average earnings for 39 weeks, 85% thereafter	436.47 to 463.73*	150% of provincial average wage			To age 65**			Can. Pension Disability Benefits	Payable monthly. Maximum annual earnings $41,000. Annual increase in maximum effective January 1
NEWFOUNDLAND[4]	75% of net for first 39 weeks, 80% of net for claims longer than 39 weeks	596.68		200.00*		To age 65**			Canadian Pension Disability Benefits	PT payable monthly. Maximum annual earnings $45,500, effective 1/1/83
NORTHWEST TERRITORIES[4]	90% of net income	605.79*[5]		301.446		TT—Disability PT—Life				Benefits payable monthly. Maximum annual earnings $47,500
NOVA SCOTIA[4]	75% of average gross income	519.23[5]		147.11[5]		TT—Disability PT—Life		January 1		PT payable monthly. Maximum annual earnings $36,000, effective 1/1/90. For PT only, additional $196 monthly per child
ONTARIO[4]	90% of net average earnings*	598.10 to 864.28		281.33		TT—Disability PT—Life		In accordance with increases in the C.P.I.		PT payable monthly. Maximum annual earnings $50,800
PRINCE EDWARD ISLAND[4]	75	389.42		60.00		TT—Disability PT—Life	75% of $27,000 per annum			PT payable monthly. Maximum annual earnings $27,000.*
QUEBEC[4]	90% of weighted net income**	511.52 to 589.46		185.36 to 214.50		TT—Disability* PT—Lump Sum		TT—Anniversary of accident PT—January 1		PT lump sum. Maximum annual earnings $46,500 effective 1/1/93
SASKATCHEWAN[4]	90% of net income	579.97[5,6]	(*)	238.35[5]**		TT—Disability PT—Life		Payments indexed by CPI on anniversary of earnings loss	50% of Canada pension after 12 months	PT payable monthly. Assessable maximum is $41,000. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.*
YUKON TERRITORY[4]	75	719.18	(*)	306.88[1]*		For as long as disability exists and worker is unable to return to employment, ceases at age 65		12 months from date of accident.		Maximum annual assessible earnings $50,000.
CANADIAN MERCHANT SEAMEN'S ACT[4]	75	472.86		158.32		TT—Disability PT—Life				Benefits payable monthly. Maximum annual earnings $32,875. Gov.-in-Council may raise benefits to level paid in maritime provinces.

[1] Actual weekly wage if less.

[2] Amounts shown in italics have been calculated.

[3] Social Security offsets generally apply by formula up to 50% of basic benefit.

[4] All amounts are reported in Canadian dollars.

[5] Figures reflect 1992 amounts. 1993 figures not available at time of publication.

[6] Reflects maximum for worker with 2 dependents.

Wash. *Maximum monthly wages are $1,973.50 effective 7-1-92.

W.V. *Employees of the state or any of its subdivisions, may not simultaneously receive temporary workers compensation benefits and sick/vacation pay.

Wis. *Compensation may be adjusted up or down by 15% (up to $15,000) for failure to use safety device or obey code or order. 10% interest payable on late payments. Employer, insurer, or both may be assessed penalty up to double the amount of compensation (not to exceed $15,000) for bad faith failure to make payments.

Wyo. *Benefits paid monthly, maximum is $1,750.67.
**Hearing examiner must approve the extension of PT payments beyond 60 months. Total TT payments must not exceed the state average monthly wage from the preceding 12 months of the previous quarter.

F.E.C.A. *Civil Service Retirement and Disability Fund (CSRA) overpayments.

Longshore *Effective 9/29/84. Nonappointed Fund Instrumentalities Act employees subject to same maximum/minimum weekly rates as employees covered under Longshore Act.

Man. *If worker is 63 or older at time of injury, maximum time for receiving wage loss benefits is 24 months.

N.B. *Annual review of maximum. Lower figure for single, higher figure for married claimant with 2 children.
**If 63 or older at time of loss, maximum is 2 years.

Nfld. *100% of weighted net earnings if less. Lower figure for single, higher figure for married claimant with 2 children.
**If worker is 63 or older at time of injury, maximum time for receiving benefits is 2 years.

N.W.T. *Maximum applies to worker with two dependents who is not a resident of N.W.T. A resident worker with two dependents can receive a weekly maximum of $641.75.

N.S. *Minimum for temporary total disability is 75% of minimum wage.

Ont. *For accidents on or after April 1, 1985. Net average earnings are gross wages, minus probable income taxes, Canadian pension plan premiums and Unemployment Insurance. Lower figure for single, higher figure for married claimant with one child.

P.E.I. *Maximum monthly payment is $1,687.50.

Quebec *The income replacement indemnity is reduced by 25% at age 65, by 50% at age 66, and by 75% at age 67.
**Gross income less: federal and provincial income tax net of credits established in relation to the family situation of the worker, unemployment insurance premiums, and contributions to the Quebec Pension Plan.

Sask. *Maximum earning ceiling increased by $1,000 if 10% workers injured in preceding year earn in excess of maximum. For injuries occurring on and after 1 September 1985, the maximum earning ceiling is $48,000.
**Actual wages if less for first 2 years' disability.

Yukon *Benefits increased by quotient obtained when the average wage for the year is divided by the average wage for 1993.

CHART VII INCOME BENEFITS FOR SCHEDULED INJURIES January 1, 1993

JURISDICTION	ARM AT SHOULDER	HAND	THUMB	FIRST FINGER	SECOND FINGER	THIRD FINGER	FOURTH FINGER	LEG AT HIP	FOOT	GREAT TOE	OTHER TOES	ONE EYE	HEARING ONE EAR	HEARING BOTH EARS
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO ALLOWANCE FOR SCHEDULED INJURY														
ALABAMA*	$48,840	$37,400	$13,640	$ 9,460	$ 6,820	$ 4,840	$ 3,520	$44,000	$30,580	$ 7,040	$ 2,420	$27,280	$11,660	$35,860
ALASKA*	No schedule. Benefits paid according to degree of whole person impairment.*													
AMERICAN SAMOA	PPD benefits paid at 66-2/3% of wages for specified number of weeks, no maximum.*													
ARIZONA*	69,300	57,750	17,325	10,395	8,085	5,775	4,620	57,750	46,200	8,085	2,888	34,650	23,100	69,300
ARKANSAS*	39,738	29,898	11,921	7,002	6,055	3,974	3,028	34,818	24,789	6,055	2,082	19,869	7,948	29,898
CALIFORNIA*	62,345***	46,028	7,595	3,360	3,360	2,520	2,520	68,265***	35,568	4,235	840	22,311**	6,335	46,028
COLORADO*	31,200	15,600	7,500	3,900	2,700	1,650	1,950	31,200	15,600	3,900	1,650	20,850	5,250	20,850
CONNECTICUT*	239,928	193,788	73,055	41,526	33,836	23,839	19,994	183,022	144,572	32,298	9,997	180,715	39,988	119,964
DELAWARE	81,958	72,122	24,587	16,391	13,113	9,835	6,557	81,958	72,122	13,113	4,917	72,122	24,587	57,370
D.C.	202,126	158,072	48,588	29,800	19,435	16,196	9,717	186,577	132,807	24,617	10,365	98,094	33,687	129,568
FLORIDA	No schedule. Benefits paid according to degree of impairment and loss of earnings.*													
GEORGIA	56,250	40,000	15,000	10,000	8,750	7,500	6,250	56,250	33,750	7,500	5,000	37,500	18,750	37,500
GUAM	70,000	53,000	12,750	7,000	4,500	4,250	1,750	62,000	43,250	6,500	2,000	35,000	13,000	50,000
HAWAII*	143,520	112,240	34,500	21,160	13,800	11,500	6,900	132,480	94,300	17,480	7,360	73,600	23,920	92,000
IDAHO*	61,545	55,391	22,567	14,361	11,283	5,129	3,077	41,030	28,721	8,616	1,436	30,773	–	35,901
ILLINOIS*	157,481	127,325	46,909	26,805	23,455	16,753	13,403	134,026	103,870	23,455	8,042	100,520	33,507	134,026
IOWA	173,750	132,050	41,700	24,325	20,850	17,375	13,900	152,900	104,250	27,800	10,425	97,300	34,750	121,625
MAINE*	No schedule. Benefits paid according to degree of impairment.													
MARYLAND*	148,400	123,543	16,500	6,600	5,775	4,950	4,125	148,400	123,543	6,600	1,650	123,543	20,625	123,543
MASSACHUSETTS*	23,362	18,472	–	–	–	–	–	21,189	15,756	–	–	21,189	15,756	41,834
MINNESOTA	No schedule. Benefits paid according to degree of impairment and loss of earnings.*													
MISSISSIPPI	45,436	34,077	13,631	7,952	6,815	4,544	3,408	39,757	28,398	6,815	2,272	22,718	9,087	34,077
MISSOURI*	54,662	41,232	14,137	10,602	8,246	8,246	5,183	48,771	35,342	9,424	3,299	32,985	9,424	39,582
MONTANA*	No schedule. Benefits paid according to degree of impairment, age, education, wage loss, and physical loss.*													
NEBRASKA*	59,625	46,375	15,900	9,275	7,950	5,300	3,975	56,975	39,750	7,950	2,650	33,125	13,250	(**)
NEVADA	No schedule. Degree of disability determined in relation to whole man.*													
NEW HAMPSHIRE*	142,065	127,858	51,414	31,795	25,707	12,853	6,088	94,710	66,297	12,177	2,029	56,826	20,295	83,209
NEW JERSEY*	104,280	63,210	8,625	5,750	4,800	3,450	2,330	68,540	52,900	4,800	1,725	40,200	6,900	40,200
NEW MEXICO	64,366	40,229	17,701	9,011	7,080	5,471	4,506	64,366	37,010	11,264	4,506	41,838	12,873	48,275
NORTH CAROLINA*	106,080	88,400	33,150	19,890	17,680	11,050	8,840	88,400	63,648	15,470	4,420	53,040	30,940	66,300
NORTH DAKOTA*	35,938	28,750	9,344	5,750	4,313	2,875	2,300	26,910	17,250	3,450	1,380	17,250	5,750	23,000
OHIO*	103,500	80,500	27,600	16,100	13,800	9,200	6,900	92,000	69,000	13,800	4,600	57,500	11,500	57,500
OREGON*	60,601	47,345	15,150	7,575	6,944	3,156	1,894	47,345	42,610	5,681	1,263	31,563	18,938	60,601
PUERTO RICO*	12,000	12,000	4,875	2,600	1,950	1,625	1,300	12,000	11,375	1,950	975	(**)	3,250	12,000
RHODE ISLAND*	28,080	21,960	5,750	4,140	2,700	2,250	1,800	28,080	18,450	3,420	900	14,400	5,400	18,000
SOUTH CAROLINA	86,473	72,716	25,549	15,722	13,757	9,827	7,861	76,647	55,028	13,757	3,930	55,028	31,445	64,855
SOUTH DAKOTA	64,200	48,150	16,050	11,235	9,630	6,420	4,815	51,360	40,125	9,630	3,210	48,150	16,050	48,150
TENNESSEE*	63,648	47,736	19,094	11,138	9,547	6,365	4,774	63,648	39,780	9,547	3,182	31,824	23,868	47,736
UTAH*	49,929	44,856	17,889	11,214	9,078	4,539	2,136	33,375	23,496	6,942	1,068	32,040	4,448	26,700
VERMONT*	131,365	106,925	30,550	19,552	15,275	12,220	7,332	131,365	106,925	15,275	6,110	76,375	31,772	131,365
VIRGINIA*	86,800	65,100	26,040	15,190	13,020	8,680	6,510	75,950	54,250	13,020	4,340	43,400	21,700	43,400
VIRGIN ISLANDS*	62,040	50,760	22,560	22,560	22,560	22,560	21,150	50,760	33,840	22,560	21,150	54,990	33,840	50,460
WASHINGTON*	54,000	48,600	19,440	12,150	9,720	4,860	2,430	54,000	37,800	11,340	4,140	21,600	7,200	43,200
WEST VIRGINIA*	64,870	54,058	21,623	10,812	7,568	5,406	5,406	64,870	37,841	10,812	4,325	35,678	24,326	59,464
WISCONSIN*	76,000	60,800	8,320	9,120	6,840	3,952	4,256	76,000	38,000	12,666	3,800**	41,800	8,360***	50,160***
WYOMING*	40,851	33,848	12,839	8,170	4,668	4,668	4,668	37,349	28,012	5,836	2,334	28,012	14,006	28,012
F.E.C.A.*	389,651	304,727	93,666	57,448	37,466	31,222	18,733	359,677	256,020	47,457	19,982	199,821	64,942	249,776
LONGSHORE ACT	224,996	175,958	54,086	33,172	21,634	18,029	10,817	207,688	147,834	27,403	11,538	115,382	37,499	144,228
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO SCHEDULED INJURY WITH CERTAIN LIMITATIONS AS TO PERIOD														
INDIANA*	30,000	24,000	7,200	4,800	4,200	3,600	2,400	27,000	21,000	7,200	3,600	21,000	9,000	24,000
KANSAS*	62,790	44,850	17,940	11,063	8,970	5,980	4,485	59,800	37,375	8,970	2,990	35,880	8,970	32,890
NEW YORK*	124,800	97,600	30,000	18,400	12,000	10,000	6,000	115,200	82,000	15,200	6,400	64,000	24,000	60,000
PENNSYLVANIA*	194,750	159,125	47,500	23,750	19,000	14,250	13,300	194,750	118,750	19,000	7,600	130,625	28,500	123,500
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS DEDUCTED FROM THE ALLOWANCE FOR SCHEDULED INJURY														
KENTUCKY	No schedule. PP benefits paid at 66-2/3% of wages up to 425 weeks according to degree of disability.**													
LOUISIANA*	59,000	44,250	14,750	8,850	5,900	5,900	5,900	51,625	36,875	5,900	2,950	29,500	–	29,500
MICHIGAN*	122,933	98,255	29,705	17,366	15,081	10,054	7,312	98,255	74,034	15,081	5,027	74,034	(**)	(**)
OKLAHOMA*	46,250	37,000	11,100	6,475	5,550	3,700	2,775	46,250	37,000	5,550	1,850	37,000	18,500	55,500
TEXAS	No schedule. Benefits paid according to degree of impairment.*													

NOTE—Amounts in chart reflect maximum potential entitlement. In Canada, permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines.
Numbers in italics are computations for loss of major member, loss of leg precluding use of artificial limb, or loss of eye by enucleation.

CHART VII ☐ INCOME BENEFITS FOR SCHEDULED INJURIES ☐ January 1, 1993 (continued)

Ala. *Maximum weekly PP benefit is lesser of $220 or 100% SAWW

Alaska *Compensation is $135,000 multiplied by the employee's percentage of permanent impairment based on the *AMA Guide to the Evaluation of Permanent Impairment*

Am. Samoa *Arm—312, hand—244, thumb—75, first finger—46, second finger—30, third finger—25, fourth finger—15, leg—288, foot—205, great toe—30, other toes—16, one eye—160, one ear—52, both ears—200

Ariz. *PP benefit is 55% of maximum monthly compensation

Ark. *Maximum PP rate is 75% of maximum total disability rate ($189.23 effective 1/1/93)

Calif. *Maximum PP benefit is $140.00 per week for permanent disabilities rated at less than 25% and $148 per week for disabilities rated at over 25%, effective 1/1/91. Duration varies according to percentage of permanent disability adjusted for age and occupation. Chart reflects standard rating for individual age 39
**Chart reflects benefits for loss of eye if unable to wear artificial eye
***For disabilities rated above 70% disability and less than 100% including loss of arm or leg, life pension of up to $64.21 per week payable

Colo. *Maximum weekly benefit is $150. The weekly rate for a "working unit" award is $120; maximum award is $37,560

Conn. *Commission may award additional benefits based on loss of earnings

Fla. *Permanent impairment caused by amputation, loss of 80% of vision in either eye after correction, or serious facial disfigurement—$250 per 1% of disability up to 10%, and $500 per 1% of disability over 10%. Wage loss benefits also payable in all permanent impairment cases—80% of difference between 80% of pre-injury wages and earnings after maximum medical improvement, up to 100% of SAWW. Social Security retirement benefits are deducted from wage loss benefits

Hawaii *In cases in which the disability is determined as a percentage of total loss or impairment of physical or mental function of the whole man, the maximum compensation is the corresponding percentage of 312 times 100% SAWW ($143,520 effective 1993)

Idaho *Maximum weekly PP benefit is 55% of SAWW for year in which injury occurred

Ill. *Effective January 15. Figures reflect benefits for amputation of member—maximum 133-1/3% of SAWW ($670.13 effective 1/15/92). For other PP benefits, wage replacement rate is 60% and maximum is $371.36

Ind. *Payable if injury occurred before 7/1/91. For injuries occurring on or after 7/1/91, PP benefit determined according to degree of impairment and rate per degree

Kan. *Additional healing period up to 15 weeks may be allowed. Maximum weekly PP benefit is 75% of SAWW

Ky. *Maximum weekly PP benefit is 75% of SAWW. Degree of disability is determined by the AMA Guide or decrease in earning capacity, whichever is greater
**Since 1980, an employee sustaining work related hearing loss is entitled to either functional loss to the body as a whole or occupational disability, whichever is greater. Hearing loss claims receive same treatment as occupational diseases and injuries, with a final determination by the Board as to degree of disability

La. *Schedule applies to amputation or disability greater than 25%. Supplemental earnings benefits equal 66-2/3% of the difference between AWW (4 weeks prior to injury) and post-injury earnings subject to the maximum earned while disabled. Supplemental earnings benefits are available to those who earn less than 90% of pre-injury wages; maximum 520 weeks; cease 2 years after termination of temporary total disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits
**Permanent hearing loss due to single traumatic accident

Maine *Compensation is based on the *AMA Guide*, which is the temporary authorized guide pending adoption of a guide authorized by the Board

Md. *Maximum weekly PP benefit is $82.50 where benefits are payable for less than 75 weeks, 33-1/3% of SAWW where benefits are payable for 75 weeks but less than 250 weeks, and 75% SAWW where benefits are payable for 250 weeks or more

Mass. *Maximum PP benefit is 100% of SAWW ($543.30 effective 1/1/93). Proportional benefits for partial loss of limbs (fingers, toes)

Mich. *Wage-loss benefits payable for life
**Hearing loss compensable based on lost earnings

Minn. *For PPD, impairment compensation (IC) is paid in lump sum if job taken. If no job offer made, economic recovery compensation (ER) is paid weekly. IC equals scheduled dollar amount ($75,000 to $400,000) times percent whole body disability. ER equals percent disability times scheduled number of weeks (600 to 1200 weeks) times weekly TT rate. Concurrent payment of PPD and temporary benefits allowed in certain situations

Mo. *Maximum weekly PP benefit is 55% of SAWW; minimum is $40. If amputation or 100% loss of use, additional 10% compensation
**Occupational hearing loss law provides benefits up to 44 weeks (1 ear) or 168 weeks (both ears)

Mont. *The maximum partial disability benefit is 50% SAWW and terminates on receipt of or eligibility for social Security retirement

Neb. *Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability
**Permanent total loss of hearing is compensated as permanent total disability

Nev. *Each 1% of impairment is compensated by .6% of worker's monthly wage up to maximum, payable for 5 years or until age 70, whichever is later. For disability rating of 25% or less, claimant may elect payment in lump sum

N.H. *Injury to spinal cord and spinal column is compensable for up to 350 weeks if there is a loss of upper or lower extremities. Maximum weekly payment is $676.50, effective 7/1/92

N.J. *Computations include allowance for amputation of member (30% additional compensation). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 55% of SAWW for arm or leg, 45% of SAWW for hand, 40% of SAWW for foot or one eye, 35% of SAWW for hearing—both ears, 20% of SAWW for other scheduled injuries in chart

N.Y. *Additional weeks for TT in excess of statutory healing period, maximum $400 as of 7/1/92. Compensation for wage-loss in addition to schedule if impairment due to loss of 50% or more of member

N.C. *For unscheduled injuries, maximum compensation not to exceed $20,000

N.D. *PP impairment benefit is 33-1/3% of SAWW ($115.00 effective 7/1/92) for a scheduled number of weeks; law provides an additional award of 25% for master extremity loss. Amounts in table for upper extremity include additional 25% award

Ohio *Maximum weekly PP benefit is 33-1/3% of SAWW, payable for a maximum of 200 weeks at a rate of two weeks for each percentage of the permanent partial percentage

Okla. *Maximum PP benefit is 50% of SAWW ($185.00 effective 11/1/90 to 10/30/93)

Ore. *Calculated at 71% of SAWW per degree for scheduled injury; for unscheduled injuries, 24% of the SAWW for first 96 degrees, 28% for the next 96 degrees, and 71% of the SAWW for degrees in excess of 192

Pa. *Healing period is 25 weeks for leg or foot, 20 weeks for an arm or hand, 12 weeks for great toe, 10 weeks for thumb, eye, or hearing, 6 weeks for finger or toe

P.R. *Maximum PP benefit is $65 weekly. Maximum amount for PPD is $12,000
**Permanent visual disability is compensated according to percentage of total disability; in addition, loss of eye by enucleation, evisceration or extreme atrophy is compensated at an additional 10% of PTD

R.I. *Maximum scheduled PP benefit is $90.00 weekly. Maximum is 100% of SAWW for unscheduled injury

Tenn.* Maximum weekly benefit is 66-2/3% of the employee's AWW

Texas *For injuries occurring on or after January 1, 1991, there is no schedule of benefits. Partial permanent benefits are paid according to the degree of impairment and the loss of earnings

Utah *Maximum per week, including allowance for dependents, is 66-2/3% of SAWW
**Entry presumes total loss of hearing in one ear and no loss of hearing in the other (16-2/3 weeks)

Vt. *In addition to TT except for loss of hearing in one ear

Va. *Benefits for scheduled injuries are payable in addition to compensation for temporary disability. *County of Spotsylvania v. Hart*, 218 Va. 565, 238 S.E.2d 813 (1977). TTD payments continue until claimant is released to return to work at which time award for specific disability may be entered and paid simultaneously with payment for temporary partial benefits

V.I. *PP benefit is 66-2/3% of SAWW ($282.00 effective 1/1/93)
**For loss of two or more digits or one or more phalanges of two or more digits on a hand or foot, benefits may be proportioned to the loss of use of the hand or foot

Wash. *Benefits fixed at amount reflected in chart

W.Va. *Maximum weekly benefit is 66-2/3% SAWW ($270.29 effective 7/1/92)

Wis. *Maximum weekly PP benefit is $152 effective 1/1/93
**Third, fourth and fifth toes $3,040
***Under occupational hearing loss law, maximum is $5,472 for one ear and $32,832 for both ears as of 1/1/93

Wyo. *PP benefit is 66-2/3% of SAMW for specified months according to degree of impairment

F.E.C.A. *Includes allowance for dependents. Maximum weekly benefit is $1,248.88, effective 1/10/93

CHART VIII FATALITIES—INCOME BENEFITS FOR SPOUSE AND CHILDREN January 1, 1993

JURISDICTION	PERCENT OF WAGES			MAXIMUM WEEKLY PAYMENT		MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	AMOUNT LIMIT[1]		MAXIMUM BURIAL ALLOWANCE
	SPOUSE PLUS CHILDREN	SPOUSE ONLY	ONE CHILD ONLY	SPOUSE PLUS CHILDREN	SPOUSE ONLY			SPOUSE PLUS CHILDREN	SPOUSE ONLY	
ALABAMA	66 2/3	50	50	$400.00*	$400.00*	$110.00*	500 weeks			$3,000**
ALASKA	80*	80*	80*	700.00**	700.00**	154.00 110.00**	(2,4,***)			2,500
AMERICAN SAMOA	66 2/3	35	35	70.00	36.75	5.25[8]	(2,3)			1,000
ARIZONA	66 2/3	35	25	327.95*	327.95		(2,3)			3,000
ARKANSAS	66 2/3	35	50	252.30*	252.30*	20.00	(2,3)	(**)	(**)	3,000
CALIFORNIA	66 2/3	66 2/3	66 2/3	336.00	336.00	224.00	(2)	115,000	95,000	5,000
COLORADO	66 2/3	66 2/3	66 2/3	414.05*	414.05*	103.51*	(2,4)			4,000
CONNECTICUT	66 2/3	66 2/3	66 2/3	769.00**	769.00**	153.80*	(2,3)			4,000
DELAWARE	80	66 2/3	66 2/3	393.40	327.83	109.28*	(2,3)			700**
DISTRICT OF COLUMBIA	66 2/3	50	50	647.84*	647.84*	(*)	(2,3)			5,000
FLORIDA	66 2/3	50	33 1/3	425.00*	425.00*	20.00[8]	(2,3)	100,000	100,000	2,500
GEORGIA	66 2/3	66 2/3	66 2/3	250.00*	250.00*	25.00[8]	400 weeks[2,3]	(**)	*100,000*	5,000
GUAM	66 2/3*	35	35	250.00	131.25	131.25**	(2,3)	100,000	100,000	3,600
HAWAII	66 2/3	50	40	460.00*	344.98*	115.00*	(2,3)	(**)	(**)	6,900***
IDAHO	60	45	5	223.80*	167.85*	167.85*	500 weeks[3]			3,000[7]
ILLINOIS	66 2/3	66 2/3	66 2/3	670.13*	670.13*	251.30*	20 years[2,**]	(**)	(**)	4,200
INDIANA	66 2/3	66 2/3	66 2/3	328.00	328.00	75.00[8]	500 weeks[2,4]	164,000	164,000	6,000
IOWA	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	755.00*	755.00*	0.92*	(2,4)			5,000
KANSAS	66 2/3	66 2/3	66 2/3	299.00*	289.00*	25.00	(2,6)	200,000	200,000	3,200
KENTUCKY	75	50	50	295.79*	197.20*	78.88*	(2,3)			4,000
LOUISIANA	65	32 1/2	32 1/2	307.00*	307.00*	82.00*	(2,3)			3,000
MAINE[9]	80	80	80	441.00	441.00		(2,3)			4,000
MARYLAND	66 2/3	66 2/3	66 2/3	494.00*	494.00*	50.00[8]	(2,3)			2,500**
MASSACHUSETTS	66 2/3	66 2/3	66 2/3	543.30*	543.30*	110.00*	250 weeks[2,**]	(**)	(**)	4,000
MICHIGAN	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	457.00*	457.00*	254.00*	500 weeks[6,**]	*228,500*	*228,500*	1,500
MINNESOTA***	66 2/3	50	60	459.00*	459.00*		(2,**)			7,500
MISSISSIPPI	66 2/3	35	25	227.18	227.18		450 weeks[2]	102,231	102,231	2,000
MISSOURI	66 2/3	66 2/3	66 2/3	431.26*	431.26*	40.00	(2,**)			5,000
MONTANA	66 2/3	66 2/3	66 2/3	349.00*	349.00*	174.50*	500 weeks[2]			1,400
NEBRASKA	75	66 2/3	66 2/3	265.00	265.00	49.00[8]	(2,3)			2,000
NEVADA	66 2/3	66 2/3	66 2/3	432.39	432.39		(2,3)			5,000
NEW HAMPSHIRE	66 2/3	66 2/3	66 2/3	676.50*	676.50*	180.40*	(2,**)			5,000
NEW JERSEY	70	50	50	431.00*	431.00*	115.00*	(2,3,**)			3,500
NEW MEXICO	66 2/3	66 2/3	66 2/3	321.83*	321.83*	36.00	700 weeks[2,4]	225,281	225,281	3,000
NEW YORK*	66 2/3	66 2/3	66 2/3	400.00	400.00	30.00	(2,4,**)			5,000—upstate 6,000—downstate

[1] Amount limits have been computed where not stipulated by law and are shown in italics. Disability payment deducted in all laws, except those of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, Wisconsin, Wyoming, F.E.C.A., and Longshore Act.

[2] To child until age 18 (16 in Manitoba, Newfoundland, Northwest Territories, Ontario, Saskatchewan, and Yukon, 19 in Alaska, Oregon (if in high school), and Wyoming, 18 in Michigan and 21 if in school in New Brunswick and Yukon). If invalid, for duration of invalidity (for 15 years in Wisconsin, for period decedent would have supported child in Newfoundland, Prince Edward Island, and Yukon). If student, to age 21 in Colorado, Indiana, British Columbia, New Brunswick, Prince Edward Island, Saskatchewan, and C.M.S.C.A. (or else to 18); 22 in Arizona, Connecticut, Florida, Georgia, Hawaii, Kentucky, Missouri, Montana, Nevada, North Dakota, South Dakota, Tennessee, and Virgin Islands; 23 in D.C., Kansas, Louisiana, Maine, Maryland, Mississippi, New Mexico, New York, Oklahoma (18 if not in school), Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, F.E.C.A., and Longshore Act; 25 in America Samoa, Arkansas, Delaware, Illinois (18 if not in school), Iowa, Minnesota, Nebraska, New Hampshire, Nova Scotia, Ohio, Puerto Rico, Texas, West Virginia, and Newfoundland (if enrolled in full time, post secondary institution); no age limit in Alaska (4 years only), Massachusetts, Vermont, Manitoba, Northwest Territories, Ontario, and Quebec.

[3] To spouse for life, compensation ceases on remarriage. (Georgia—to spouse until age 65 or 400 weeks, whichever is greater also ceases upon cohabitation in a meretricious relationship. Maine—if dependency on new spouse is proven).

[4] To spouse for life, 2 years, lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana, and Iowa) or balance of compensation if less (Indiana, New Mexico, North Dakota, and South Carolina). In Illinois, lump sum is paid upon remarriage only if there were no children at *time of death*.

[5] To spouse for life, 1 year's lump sum upon remarriage.

[6] To spouse for life, cash lump sum on remarriage: Kansas—100 weeks or balance if less, Michigan—$500 or balance if less, Oregon—24 times monthly benefit, Washington—$7,500 or 50% of remaining annuity value if less, Manitoba—$3,600, New Brunswick—1 year's spouse's income, Northwest Territories—$8,712, Nova Scotia—$2,800, Prince Edward Island—$6,600.

[7] Additional allowance for transportation of body; no maximum except: Texas—not to exceed usual cost of otherwise transporting body from place of death back to place of work, Virginia—$500, Alberta—$550, British Columbia—$697.18 and $686.33 for incidental death expenses, Northwest Territories—$3,000, Prince Edward Island—$300, C.M.S.C.A.—$300.

[8] Actual wage if less. Florida—26 weeks or balance, if less.

[9] Spouse receives cash lump sum in addition to other benefits: Maine—$3,000; Mississippi—$250; North Dakota—$300 plus $100 per child; Oklahoma—$10,000 plus $2,500 per dependent (maximum $15,000); Washington—$800; Alberta—$1,300; British Columbia—$1,743.05; Manitoba—$1,305; New Foundland—$26,000 to $77,974.65; Northwest Territories—$1,900; Nova Scotia—$15,000; Ontario—$23,078.28 to $69,234.84; Prince Edward Island—$500; Quebec—$1,177; Saskatchewan—$3,500; Yukon—$1,585; C.M.S.C.A.—$16,868.50.

[10] If no dependents.

[11] To spouse for 5 years or until youngest child reaches the age of 16. Benefits not interrupted upon remarriage.

[12] To spouse for life, regardless of remarriage.

Ala. *Maximum is 100% of SAWW, minimum is 27 1/2% of SAWW, actual wage if less. In cases of remarriage by widow, any unpaid compensation is distributed to dependents, or any suitable person, based on court approval. Payment discharges employer from any further liability.
**$7,500 payment made to an estate of a deceased worker who has no dependents.

Alaska *80% of spendable income.
**Maximum is set by statute. For minimum, higher figure reflects amount with wage documents; lower figure reflects amount without wage documents. 80% allocated between spouse and children.
***Spousal benefit reduced by 1/3 as of 5 years after worker's death, by 1/2 as of 8 years, and ceases after 10 years; reductions do not apply if spouse is over 52 or permanently and totally disabled. Limited Social Security offset.

Ariz. *Maximum monthly wages are $2,100 effective 7/1/91.

Ark. *Effective 1/1/93.
**Benefits in excess of $75,000 payable from Death and Permanent Total Disability Trust Fund.

Colo. *Maximum is 91% of SAWW, minimum is 25% of maximum.
**Social Security offset.

Conn. *Spouse may not sue employer for loss of consortium if receiving or had been receiving workers compenstion benefits.
**Maximum is 150% of SAWW and minimum is 20% of maximum (80% of average weekly wages if less). Employer funded cost of living increase payable each October. Retroactive death benefits for dependents of deceased employee who was injured on or after 1/1/74 and died no later than 12/31/81.

Del. *Maximum is 80% of SAWW for spouse and children, 66 2/3% of SAWW for spouse only. Minimum for spouse only is 1/3 of maximum for spouse only.
**Additional burial allowance payable on Board approval.

D.C. *Maximum is 100% of SAWW, minimum is 25% of SAWW. Social Security and employer funded benefit plans offset if combined total exceeds 80% of employee's AWW.

Fla. *Maximum is 100% of SAWW. Surviving spouse entitled to tuition benefits at vocational-technical center or community college.

Ga. *Weekly benefits increased 20%, not to exceed $20,000, if death of employee was direct result of injury caused by intentional act of employer.
**Greater of 400 weeks or age 65.

Guam *Spouse 35% and each child thereafter 15% of AWW, total not to exceed 66-2/3% of AWW.
**Actual wages if less.

Hawaii *Maximum is 100% of SAWW for spouse and children, 75% of SAWW for spouse only. Minimum is 25% of SAWW.
**Maximum amount for persons other than spouse and children is the maximum benefit times 312.
***Funeral expense is 10 times SAWW, plus burial allowance equal to 5 times SAWW.

Idaho *Death benefit is fixed at 45% of SAWW for spouse plus 5% of SAWW per dependent child up to 3, 30% of SAWW for one child if no dependent spouse.

Ill. *Maximum is 133-1/3% of SAWW, minimum is 50% of SAWW.
**Benefits are $250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to least 6 years' benefits.

Iowa *Maximum is 200% of SAWW, minimum is based on a gross weekly wage of $1.00.

Kan. *Maximum is 75% of SAWW.

Ky. *Maximum is 75% of SAWW for spouse and children, 50% of SAWW for spouse only. Minimum is 20% of SAWW.

La. *Maximum is 75% of SAWW. Minimum is 20% of SAWW, actual wage if less.

Md. *Maximum is 100% of SAWW.
**Additional burial allowance payable on Commission approval; burial allowance allowable within 7 years of injury.

Mass. *Maximum is 100% of SAWW. Annual cost of living increase payable up to 5% for deaths after that date.
**After receiving an amount equal to 250 times SAWW, spouse must prove actual dependence; time and amount limits do not apply to children's benefits.

Mich. *Maximum is 90% of SA'WW, minimum is 50% of SAWW.
**500-week limit does not apply to children.

Minn. *Maximum is 100% of SAWW.
**Government survivors' benefits offset. During dependency of children, then 10 years' benefits.
***For unrelated death while decedent was receiving permanent partial disability, impairment compensation or economic recovery compensation benefits, benefits continue to surviving spouse and children until completed or until 10 years after dependency, whichever is earlier.

Mo. *Maximum is 105% of SAWW.
**4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

Mont. *Maximum is 100% of SAWW, minimum is 50% of SAWW, actual wage if less (effective through 6/31/93).

Nev. *Maximum is 100% of SAWW.

N.H. *Maximum is 150% of SAWW, minimum is gross SAWW, but not to exceed after tax earnings.
**On remarriage, the unpaid balance otherwise due is payable to parent or guardian for the children's benefit.

N.J. *Maximum is 75% of SAWW, minimum is 20% of SAWW.
**After 450 weeks, spouse's earnings are deducted.

N.M. *Maximum is 85% of SAWW.

N.Y. *If there is no spouse or dependent children or other dependents, $50,000 is paid to the deceased's parents and if there are no surviving parents, to the deceased's estate.
**Social Security offset.

CHART VIII ☐ FATALITIES—INCOME BENEFITS FOR SPOUSE AND CHILDREN ☐ January 1, 1993 (continued)

JURISDICTION	PERCENT OF WAGES			MAXIMUM WEEKLY PAYMENT		MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	AMOUNT LIMIT[1]		MAXIMUM BURIAL ALLOWANCE
	SPOUSE PLUS CHILDREN	SPOUSE ONLY	ONE CHILD ONLY	SPOUSE PLUS CHILDREN	SPOUSE ONLY			SPOUSE PLUS CHILDREN	SPOUSE ONLY	
NORTH CAROLINA	66 2/3	66 2/3	66 2/3	$ 442.00*	$ 442.00*	$30.00	(2,3**)			$2,000
NORTH DAKOTA[1]	66 2/3*	(*)	(*)	(*)	210.00*	105.00	(2,4)	(*)	$197,000	2,500
OHIO	66 2/3	66 2/3	66 2/3	460.00*	460.00*	221.50*	(2,4)			3,200
OKLAHOMA[1]	70	50	35	277.00	185.00	30.00[8]	(2,4)			3,000[10]*
OREGON				592.72*	296.36*	296.36*	(2,5)			3,000
PENNSYLVANIA	66 2/3	51	32	475.00*	455.00*	121.13*	(2,4)			1,500
PUERTO RICO	85	50	60	46.15*	36.92*	17.30*	(2,4**)			1,000
RHODE ISLAND	80	66 2/3	66 2/3	(*)	440.00*		(2,3)			5,000
SOUTH CAROLINA	66 2/3	66 2/3	66 2/3	393.06*	393.06*	75.00[8]	500 weeks[2]	*196,530*	*196,530*	2,500
SOUTH DAKOTA	66 2/3	66 2/3	66 2/3	(*)	321.00*	161.00*	(2,4)			3,000
TENNESSEE	66 2/3	50 AWW	60 AWW	318.24*	318.24*	35.00*	(2,3)	127,296	127,296	4,500
TEXAS	75	75	75	456.00*	456.00*	68.00	(2,4)			2,500
UTAH	66 2/3*	66 2/3	66 2/3	341.00*	341.00*	45.00[8]	(2,**)			4,000***
VERMONT	76 2/3	66 2/3	71 2/3	611.00*	611.00*	204.00*	(2,**)			2,000
VIRGIN ISLANDS				(*)	(*)	(*)	(*)	16,500*	16,500*	800[10]
VIRGINIA	66 2/3	66 2/3	66 2/3	434.00*	434.00*	108.50*	500 weeks[2]			5,000[10]**
WASHINGTON[1]	70	60	35	435.57*	435.57*	46.25	(2,5)			2,000
WEST VIRGINIA	70	70	70	405.44*	405.44*	135.15*	(2,3)			3,500
WISCONSIN[1]	66 2/3	66 2/3	66 2/3	450.00**	450.00**	30.00	(***)	*135,000*** *	*135,000*** *	4,000
WYOMING		2/3 SAMW		(*)	269.31	269.31	(*)	(*)	(*)	1,800**
F.E.C.A.	75*	50	40	1,248.88**	1,248.88**	193.01**	(2,4***)			1,800****
LONGSHORE ACT	66 2/3	50	50	721.14*	721.14*	180.29*	(2,4)			3,000
ALBERTA[1]	90% of weighted net income	90% of weighted net income		2,284.84***	(*)	945.00	5 years			3,650[10]
BRITISH COLUMBIA[1]			40	(*)	(*)	(*)	(2,4)			2,091.51[10]
MANITOBA[1]	90% of net earnings	90% of net earnings		(*)	(*)	(*)	(2,5)			5,160
NEW BRUNSWICK	80% of average net income	80% of average net income		(*)	(*)	(*)	Age 65[2,4]			5,464
NEWFOUNDLAND[1]	75% of compensable income	(*)	(*)	(*)	(*)	(*)	(2)			3,500[10]**
NORTHWEST TERRITORIES[1]				(*)	301.44*	301.44*	(2,3)			3,000
NOVA SCOTIA[1]	(*)	(*)		519.23	519.23	147.11	(2,5)			4,000*
ONTARIO[1]	90% of Net Average income	20% to 60% of Net Average income, depending on age of surviving spouse	30% of Net Average income	664.28	442.85	56.27	(2,3)			1,990.34
PRINCE EDWARD ISLAND[1]	(*)	(*)		(*)	(*)	(*)	(2,4)			900
QUEBEC[1]	(*)	(*)	(*)	(*)	(*)	(*)	(2,3)			2,087
SASKATCHEWAN[1]	90% of net income	90% of net income		(*)	579.97	238.35	5 years[2,3]			3,500
YUKON TERRITORY[1]		3.125	1.25	(*)	1,562.50*	1,562.50*	Life	625.00	3,125	4,000
CANADIAN MERCHANT SEAMEN'S ACT[1]				1,451.92*,**	1,451.92**	1,451.92**	(2,4)			1,873.75

N.C. *Maximum is 110% of SAWW
**Payable for life if spouse disabled at time of decedent's death

N.D. *Maximum $210 plus $10 per dependent child under 18 or 22 if in school. Payments on behalf of children are not subject to amount limit, minimum 50% of maximum weekly death benefit. Effective 7/1/85, claimants receiving death benefits between 7/1/80 and 7/1/85 are eligible for supplemental benefits not less than $105 per week

Ohio *Maximum is 100% of SAWW; minimum is 50% of SAWW

Okla. *If no surviving dependents, estate receives $3,000

Ore. *Monthly spousal benefit is fixed at 66 2/3% of SAWW x 4.35 for spouse with no children ($1,289.26 for 1992-93) and fixed at 50% of SAWW x 4.35 for spouse with children ($966.90 for 1992-93), up to monthly maximum, maximum is 133 1/3% of SAWW x 4.35 ($2,578.33 for 1992-93). Upon remarriage, surviving spouse receives 24 times the monthly benefit in lump sum final payment

Pa. *Maximum is 100% of SAWW, minimum is 51% of 50% of SAWW

P.R. *Maximum for spouse and children is $200 monthly, this amount is divided amongst spouse and children based on ruling by the legal department, for spouse only, $160 monthly. Minimum is $75 monthly
**540-week limit inapplicable to spouse and children

R.I. *Maximum is 100% of SAWW plus $20 per dependent child. Annual cost of living increase of 4% on anniversary

S.C. *Maximum is 100% of SAWW

S.D. *Maximum is 100% of SAWW; minimum is 50% of SAWW, actual wage if less. Additional $50 monthly is payable for each dependent child through age 18

Tenn. *7/1/92

Texas *Maximum is 100% of SAWW. Minimum is 15% of SAWW

Utah *Additional allowance for dependents is $5 for spouse plus $5 for dependent child (up to 4). Maximum (including dependents' allowance) is 85% of SAWW
**After 312 weeks payments are continued only after annual review. Receives same payment minus 50% Social Security payment. Upon remarriage, spouse receives 52 weeks compensation in lump sum or balance of award, whichever is less
***$4,000 burial allowance applicable in normal cases, additional amounts may be requested

Vt. *Maximum is 150% of SAWW, minimum is 50% of SAWW, actual wage if less
**To spouse until age 62 or when entitled to Social Security, balance of 330 weeks, if any, is payable on remarriage

V.I. *Death benefit is $12,500 to $16,500, payable in installments or lump sum; 60% is payable to children, if any. Amount limit includes amounts paid for disability

Va. *Maximum is 100% of SAWW; minimum is 25% of SAWW, actual wage if less
**Parents of killed employee entitled to receive benefits if deceased employee has no other dependents

Wash. *Maximum monthly benefit is 100% of state average monthly wage

W. Va. *Maximum is 100% of SAWW, minimum is 33-1/3% of SAWW

Wis. *Surviving parents receive benefit of $6,500.
**Maximum is 100% of SAWW. Benefits are paid monthly. Commission may order that a partial lump sum be paid
***If death follows disability, total time limit for disability plus death is 1,000 weeks
****Amount limit is 300 times SAWW. When primary benefit expires, a supplementary monthly benefit continues for children at 10% of the spouse's monthly benefit, payable from the Children's Fund, to age 18 or for 15 years if invalid

Wyo. *Monthly benefit is fixed at 66-2/3% of state average monthly wage (SAMW = $1,750.67) plus $100 monthly per child until age 19 (21 if invalid or emancipated). After 54 months, hearing examiner may continue payments at 33-1/3% of state average monthly wage for 12 months and may be renewed
**Employer may make other arrangements

F.E.C.A. *2 or more children
**Benefits effective 1/10/93
***Spouse who remarries after age 55 continues to receive monthly benefits
****Additional $200 lump sum payable for cost of terminating status as U.S. employee

Longshore *Effective 10/1/91 (200% NAWW). Benefits shall not exceed lesser of employee's weekly wage or $699.96. Minimum is 50% of NAWW, actual wages if less. Death benefits not payable if employee receiving PP benefits dies from causes other than compensable injury

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Alta. *Reflects monthly payment
**When date of accident is on or after September 1, 1991.
***1992 figure, 1993 figure unavailable

B.C. *Including Canada pension, maximum monthly benefit for spouse with 2 children is $3,162.50, plus $222.98 for each additional child over 2. Maximum monthly benefit for spouse with 1 child is 85% of $2,688.12. Maximum monthly benefit for childless spouse over 40 is a sliding scale. In 1992, it starts at $720.53 at age 40 and goes up 1/11th for each year, ending at $1,800.00 at age 50.

Man. *Spouse entitled to lump sum from $28,410 to $47,000, dependent on age of worker at death (reduced 2% for each year worker over 45 at death) plus monthly payments equal to 90% of worker's net average earnings less amounts payable to other dependents. Monthly payments are payable for 60 months (24 months if spouse 63 or older at death of worker) or until youngest child attains 18 years. There is an extension of monthly payments for hardship cases. There are monthly payments of $260 per child (maximum $1,030 per month). Payments for orphans are $520 per month (maximum $2,070 per month) with provision for payment to other dependents of not more than $260 for each dependent (maximum $1,030 for such dependents)

N.B. *Spouse receives monthly benefit based on 80% of family income, less Canada pension. Maximum benefit is 150% of Industrial Aggregate Earnings ($41,000 for 1993)
**Less Canadian pension

Nfld. *Spouse receives lump sum calculated at 2-1/2 times their compensable income which ranges from $26,000 to $77,975. The age of the spouse and whether or not there are dependent children determines entitlement to monthly income replacement benefits
**Less CCP benefits for burial

N.W.T. *Fixed monthly benefit is $1,306.25 plus $296.88 monthly per child

N.S. *Benefits include $15,000 lump sum payment. Lifetime pension based on 75% of client's gross average income, determined as if client suffered a PT disability. Funeral expenses up to $4,000; rehabilitation services such as educational grants; dependent children paid $196.00 per month thru age 18, or to age 25 if still in school

Ont. *Ontario lump sum payment is determined on a sliding scale depending on the age of the surviving spouse with a maximum of $79,613.97 and a minimum of $26,537.98

P.E.I. *Effective 4/1/90, fixed monthly benefit is $550 plus $125 monthly per child, orphan child receives $140 per month. Surviving spouse also receives lump sum payment.

Quebec *Spouse entitled to lump sum from $69,593 to $139,500. In addition, spouse entitled to monthly income replacement indemnity equal to 55% of employee's pre-injury wages (maximum $1,408.73). This indemnity is payable for a period of 1 to 3 years according to age of surviving spouse, plus $349.00 monthly for each minor child. Lump sum of $12,528.00 to child of age under 25 who is full time student.

Sask. *Varies in accordance with the number of dependents

Yukon *Benefits paid monthly. Additional payments to $1,562.50 if in dire need.
**Additional burial expenses to maximum of $2,000

C.M.S.C.A. *Benefits paid monthly
**Plus $161.18 per month per child

CHART IX WAITING PERIOD FOR INCOME BENEFITS; MEDICAL BENEFITS January 1, 1993

			MEDICAL BENEFITS				
				CHOICE OF PHYSICIAN[2]			
JURISDICTION	WAITING PERIOD[1]	RETRO-ACTIVE PERIOD	UNLIMITED[3]	EMPLOYER	EMPLOYEE	ARTIFICIAL APPLIANCES FURNISHED	SPECIAL PROVISIONS
ALABAMA	3 days*	3 weeks	Yes	Initial choice	(**)	Yes	Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation
ALASKA	3 days	4 weeks	Yes	Yes	Yes	Yes	Injury includes damages to eyeglasses, dentures, hearing aids, or any prosthetic devices
AMERICAN SAMOA	3 days	2 weeks	Yes			Yes	
ARIZONA	7 days	2 weeks	Yes		Yes	Yes	Prayer or spiritual treatment by agreement
ARKANSAS	7 days	2 weeks	Yes*	Agency may change	Agency may change	Yes	Spiritual treatment by agreement
CALIFORNIA	3 days*	14 days*	Yes		If employee has not predesignated a physician before time of injury, they may change to treating physician of their choice 30 days after injury	Yes	Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.** If requested, an employee may change physicians at any time, one time only
COLORADO	3 days	2 weeks	Yes	Agency may change*		Yes	Employer must repair/replace appliances damaged in a compensable injury
CONNECTICUT	3 days	1 week	Yes		From state list	Yes*	Worker compensated for time lost due to medical attention. Employer must repair/replace appliances damaged in employment; must also repair/replace eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval
DELAWARE	3 days*	7 days*	Yes		Yes	Yes	Employer must replace prosthesis and furnish hearing aids as needed
DISTRICT OF COLUMBIA	3 days	2 weeks	Yes	Yes	From state list	Yes	Spiritual treatment by agreement. Medical care furnished or scheduled to be furnished is subject to utilization review for determinations of necessity. Character or sufficiency of care or service
FLORIDA	7 days	21 days	Yes*	Yes		Yes	Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care
GEORGIA	7 days	21 days	Yes	Agency may change	From employer list	Yes*	Employee may be examined (at employer's expense) by physician of his choice within 60 days of receiving any income benefits
GUAM	3 days	14 days	Yes			Yes	
HAWAII	3 days		Yes		Yes	Yes	Maximum monthly attendant's allowance—4 times SAWW
IDAHO	5 days*	2 weeks*	Yes	Yes		Yes	Christian Science treatment permitted
ILLINOIS	3 days*	2 weeks	Yes		Yes	Yes	Spiritual treatment by agreement. Employer must repair/replace appliances damaged in compensable accident
INDIANA	7 days	3 weeks	Yes	Yes		Yes	Employer pays reasonable expenses, including travel, food, and lodging, for treatment outside county. Spiritual treatment by agreement. Employer must replace artificial members when medically required
IOWA	3 days*	2 weeks	Yes	Yes		Yes	Employer must repair/replace appliances
KANSAS	7 days	3 weeks	Yes	Yes	(*)	Yes	Prayer or spiritual treatment by agreement.**
KENTUCKY	7 days	2 weeks	Yes		Yes	Yes	
LOUISIANA	7 days	6 weeks	Yes		Yes	Yes	Employer must repair/replace appliances
MAINE	7 days*	2 weeks	Yes**	Yes***		Yes	Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner
MARYLAND	3 days	2 weeks	Yes	Yes		Yes	Employer must repair/replace appliances. If employer or insurer fails to pay for treatment or services mandated within 45 days, Commission may assess a fine of more than 20% of approved charges. Also, subject to interest
MASSACHUSETTS	5 days	6 days	Yes		Yes	Yes	
MICHIGAN	7 days	2 weeks	Yes	Initial choice*		Yes	
MINNESOTA	3 days	10 days	Yes	Agency may change	Yes[1]	Yes	Christian Science treatment by agreement. Chiropractic and podiatric treatment authorized
MISSISSIPPI	5 days	2 weeks	Yes		Yes	Yes	
MISSOURI	3 days	2 weeks	Yes	Agency may change		Yes	Prayer or spiritual treatment by agreement. Chiropractic care authorized.
MONTANA	6 days 48 hours*		Yes		Yes	Yes	Insurer must replace/repair prescription eyeglasses or contact lenses, prescription hearing aids and dentures, damaged or lost as a result of injury. Employer must pay reasonable travel expenses for claimant's medical visits. Medical benefits terminate when not used for a period of 60 consecutive months.
NEBRASKA	7 days	6 weeks	Yes		Yes	Yes	Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement
NEVADA	5 days*	5 days*	Yes		Yes	Yes	Spiritual treatment permitted
NEW HAMPSHIRE	3 days	14 days	Yes		Yes	Yes	Commissioner will adopt a medical fee schedule by 7/1/93
NEW JERSEY	7 days	8 days	Yes*	Yes		Yes	Hospital care must be semi-private, if available. Chiropractic and psychological services provided
NEW MEXICO	7 days	4 weeks	Yes	Yes		Initial Choice*	Claimant may not refuse treatment reasonably essential to provide recovery.** ***
NEW YORK	7 days	2 weeks	Yes		From state list	Yes	Employer liable for x-rays, special diagnostic tests, consultations and providing prosthetic devices. Chiropractic, dental, psychological, podiatric, nurse and midwife care may all be authorized.*

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[1] If disability continues for longer than stated periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from the first day of injury.

[2] Information supplied by Division of State Workers' Compensation Programs, U.S. Department of Labor.

[3] Many states have introduced medical fee schedules to control payments made to providers for medical care under the workers' compensation programs. Medical benefits remain "unlimited" in those states indicated, but employers and insurers are only liable for the amounts set forth in the medical fee schedule. Employees cannot be held accountable for any amount charged above and beyond the medical fee schedule.

Ala. *Temporary disability only.
**Employee can select second physician from a panel selected by employer. Employer or employee may select initial physician for physical rehabilitation.

Ark. *Employer liability may cease 6 months after injury where no time is lost from work, or 6 months after claimant returns to work, or maximum $10,000 has been paid unless the employer waives rights or the Commission extends time and dollar limits.

Calif. *Waiting period also terminated by hospitalization.
**Psychologists included within definition of physician and treatment permitted. Personal chiropractor allowed if employee has previously notified employer that chiropractic treatments were being rendered.

Colo. *Director maintains a list of physicians who serve as a medical review panel and that will perform independent medical exams upon any request by a party to a workers' compensation proceeding.

Conn. *By court decision. *Olmstead v. Lamphier*, 93 Conn. 20, 104 A. 488 (1918).

Del. *No waiting period if incapacity results in hospitalization or is caused by amputation of member.

Fla. *Peer group of health care providers reviews cases where medical expenses exceed $20,000 to see if care was appropriate and reasonable. Expenses subject to a medical fee schedule.

Ga. *Included in total amount allowed for medical care.

Idaho *Waiting period also terminated by hospitalization.

Ill. *Temporary total disability only.

Iowa *No waiting period for permanent partial disability.

Kan. *Employee may consult a physician of his own choice at any time but employer is only liable for fees and charges up to $350.
**Director must adopt rules which establish a maximum medical fee schedule, subject to approval of an advisory panel. Fee schedule to be reviewed annually.

Maine *Firemen are exempt from waiting period and receive compensation from date of disability.
**Subject to a medical fee schedule.
***Employer has initial choice of physician. After 10 days, employee may select different health care provider. Employee may not change health care provider more than once without employer or Board approval. This does not apply if referred to specialist.

Mich. *Employer may choose physician for first ten days of treatment, thereafter, the employee may choose own physician by giving notice to employer.

Mont. *Waiting peirod refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.

Nev. *Waiting period and retroactive period is at least 5 consecutive days or 5 cumulative days within a 20-day period.

N.J. *Employer liability ceases after $100 has been paid for medical care; employee must petition for further treatment.

N.M. *Employer chosen physician treats injured worker for first 60 days. Employer, however, may allow employee to select own physician instead.
**By court decision, *Brooks v. Employers National Insurance Co.*, 688 P.2d. 25 (1984).
***A schedule of maximum allowable payments for non-hospital medical services was adopted 1/1/92. A cost-to-charge ratio for payment of hospital charges was established 4/1/91.

N.Y. *Employer must if damaged.

CHART IX ☐ WAITING PERIOD FOR INCOME BENEFITS; MEDICAL BENEFITS ☐ January 1, 1993 (continued)

			MEDICAL BENEFITS				
				CHOICE OF PHYSICIAN[2]			
JURISDICTION	WAITING PERIOD	RETRO-ACTIVE PERIOD	UNLIMITED[1]	EMPLOYER	EMPLOYEE	ARTIFICIAL APPLIANCES FURNISHED	SPECIAL PROVISIONS
NORTH CAROLINA	7 days	3 weeks	Yes	Yes	Agency may change	Yes	Employer must repair/replace appliances damaged in compensable accident. Medical care includes rehabilitation services
NORTH DAKOTA	5 days*	5 days*	Yes		Yes	Yes	Employee has first choice of treating doctor; however, Bureau can redirect to different doctor through managed care program, effective 7/1/91
OHIO	7 days	2 weeks	Yes		Yes	Yes	Includes hospitalization and damages to eyeglasses, dentures, hearing aids, or prostheses
OKLAHOMA	7 days	3 weeks	Yes	Court may change	Yes	Yes	Employer must repair/replace appliances. Special provisions for hernias
OREGON	3 days	2 weeks	Yes*		Yes**	Yes	Spiritual treatment by agreement. Employer must pay for medical exam and related services. Insurer/employer may provide medical treatment through an approved Managed Care Organization
PENNSYLVANIA	7 days	2 weeks	Yes	Initial choice*		Yes	
PUERTO RICO	(*)	10 days	Yes**	State agency		Yes***	When permanently and totally disabled. Administrator will provide orthopedic girdle, crutches, cane, wheelchair, hospital bed, and other equipment necessary
RHODE ISLAND	3 days	2 weeks	Yes*		Yes	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices
SOUTH CAROLINA	7 days	2 weeks	Yes	Yes		Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices
SOUTH DAKOTA	7 days*	8 days	Yes		Yes	Yes	Employer must repair/replace appliances damaged in compensable accident
TENNESSEE	7 days	2 weeks	Yes		From employer list	Yes	Provides for nursing services, treatment by chiropractors
TEXAS	7 days	4 weeks	Yes*		Yes**	Yes	
UTAH	3 days	2 weeks	Yes	Agency may change*		Yes	Reasonable amounts awarded for repair/replacement of artificial appliances
VERMONT	3 days*	10 days	Yes	Agency may change		Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices. Employer must not withhold any wages from an employee if the employee's absence is for an examination or treatment of a work injury
VIRGIN ISLANDS	1 day	1 day	$40,000		Yes, agency may change	Yes	$75,000 amount limit if treatment outside Virgin Islands
VIRGINIA	7 days	3 weeks	Yes		From employer list	Yes	Employer must repair/replace appliances damaged in compensable accident. Employer may be ordered to furnish wheelchair and make alterations to home, maximum $25,000
WASHINGTON	3 days	2 weeks	Yes		Yes	Yes	Employees pay half of medical aid premiums. Department will replace/repair appliances damaged in compensable accident
WEST VIRGINIA	3 days	1 week	Yes*		Yes	Yes	Payment for prosthetic/orthotic appliances will not be made until appliance is deemed serviceable. Repair/replacement of glasses damaged in an accident not paid for unless there was compensable injury
WISCONSIN	3 days	1 week	Yes		Yes	Yes	Repair/replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses and hearing aids are also covered. Repair and replacement of eyeglasses and hearing aids not paid for unless damaged in a compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim
WYOMING	3 days	8 days	Yes	Second Opinion	Yes	Yes	All medical bills audited according to promulgated fee schedule
F.E.C.A.	3 days*	14 days	Yes		Yes	Yes	Additional amount (up to $1500) monthly for medical attendant
LONGSHORE ACT	3 days	2 weeks	Yes		Labor Secretary may change	Yes	Consent for specialist, if needed. Spiritual treatment permitted
ALBERTA	1 day	1 day	Yes		Yes	Yes	Appliances repaired/replaced by Board. Board may repair/replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair—up to $200 per year for upper body and $300 per year for lower body. Attendance allowance—$432 to $1,521 per month, plus independence allowance of $125 per month
BRITISH COLUMBIA	1 day		Yes		Yes	Yes	Appliances repaired/replaced at Board's discretion, regardless of personal injury (includes eyeglasses, dentures, and hearing aids unless worker is at fault). Board may provide eyeglasses for serious visual impairment caused by work injury. Personal care allowance—maximum $43.50/day. Annual clothing allowance for wear due to prosthesis—$207 for upper limb, $415 for lower limb, $577 for both
MANITOBA	1 day	1 day	Yes		Yes	Yes	Medical aid includes repair/replacement of appliances, including eyeglasses, contact lenses, and clothing. Clothing allowance for deterioration of clothes caused by prosthesis
NEW BRUNSWICK	3 days	1 day	Yes		Yes	Yes	Medical aid includes repair/replacement of appliances. Clothing allowance for wear due to prosthesis is up to $428 annually. Care allowances from $120 to $400 monthly
NEWFOUNDLAND	1 day	(*)	Yes	No	Initially yes, should consult Commission before changing	Yes	Commission may repair/replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device—$150 to $500 annually. Personal care allowance—$100 to $1,250 monthly
NORTHWEST TERRITORIES	1 day	1 day	Yes		Initial choice	Yes	Clothing allowance for wear due to prosthetic device—$100. Board may repair/replace appliances damaged in a compensable accident
NOVA SCOTIA	3 days*	3 days	Yes	Yes**	Yes	Yes	Attendant's allowance—$300 monthly. Clothing allowance for wear due to prosthetic device—$350 per year. Board may repair/replace appliances, and renew eyeglasses (replaced if damaged in work-related accident)
ONTARIO	1 day	(*)	Yes		Initial choice	Yes	No maximum attendance allowance; payment will be actual cost. Clothing allowance for wear due to prosthetic device—$244.15 for upper extremity and $448.31 for lower extremity.**
PRINCE EDWARD ISLAND	1 day	1 day	Yes		Initial choice	Yes	Appliances repaired/replaced at Board's discretion. Clothing allowance for wear due to prosthetic device, for para- and quadriplegics is $214 annually
QUEBEC	Day of injury*		Yes		Yes	Yes	Commission may repair/replace prosthesis damaged in course of employment. Additional clothing allowance for wear due to prosthetic device—$418. Attendance allowance—$279 to $1,113

N.D. *Only scheduled work days lost in the first five are paid if disability period is 14 days or less; all five days are paid if disability is 15 days or more.

Ore. *Costs subject to medical fee schedule, as determined by Director. Treatment may be restricted to MCO plan. Limitations on palliative care.
**May choose physician within state. Allowed 2 changes; changes thereafter require Director's approval. If governed by MCO, treatment and choice may be restricted to plan.

Pa. *Only if a list of at least 5 physicians or other licensed practitioners of the healing arts, or combination thereof is posted, and for the first 14 days of treatment.

P.R. *Compensation paid from day of first medical treatment.
**Limitations on palliative treatments. *Sergio Torres Garcia v. State Insurance Fund*, June 30, 1981, P.R. Supreme Court.
***Only in cases of permanent total disability.

R.I. *Non-hospital costs subject to medical fee schedule, to be updated annually, as determined by the director in consultation with selected others.

S.D. *Consecutive days.

Texas *Medical charges subject to medical fee guidelines.
**Effective 1/1/93, employee will choose physician from a commission-approved list and will be allowed one change of physician.

Utah. *Employee is allowed one change of physician.

Vt. *Total disability pay.

W.V. *Costs subject to medical fee schedule, updated periodically.

F.E.C.A. *Waiting period begins running after 45 days continuation of pay.

Nfld. *Employer payment for day on which accident occurs.

N.S. *No waiting period for permanent partial disability.
**If so required by his employer.

Ont. *Employer must pay wages and benefits for day of injury.
**Compensation payable during disability caused by damage to prosthetic device.

Quebec *Employer must pay wages and benefits for day of injury.

CHART IX ☐ WAITING PERIOD FOR INCOME BENEFITS; MEDICAL BENEFITS ☐ January 1, 1993 (continued)

			MEDICAL BENEFITS				
				CHOICE OF PHYSICIAN[3]			
JURISDICTION	WAITING PERIOD[1]	RETRO-ACTIVE PERIOD	UNLIMITED[2]	EMPLOYER	EMPLOYEE	ARTIFICIAL APPLIANCES FURNISHED	SPECIAL PROVISIONS
SASKATCHEWAN	(*)	(*)	Yes		Yes	Yes	Clothing allowance for wear due to prosthetic device—$182 for arm, $402 for leg. Personal care allowance—$273 to $1,376
YUKON TERRITORY	1 day	1 day	Yes		Yes	Yes	Clothing allowance—$149 for upper limb and $303 for lower limb. Personal care allowance—$7.00 to $24.00 per day, independence allowance $100 per month
CANADIAN MERCHANT SEAMEN'S ACT	3 days	3 days	Yes		Yes	Yes	Employer must keep appliances in repair or replace, at Board's discretion

Sask. *Compensation not paid for the day on which the accident occurs

CHART X REHABILITATION OF DISABLED WORKERS January 1, 1993

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
ALABAMA	No fund established	Board, lodging, and travel, if away from home	Physical and vocational rehabilitation to restore employee to gainful employment furnished at employer's expense. Employee's refusal results in loss of compensation for the period of refusal.
ALASKA	No fund established	Board, lodging, travel, and temporary disability benefits.*	Employer pays full cost, on an expense incurred basis, not to exceed $10,000. Benefits may not extend past two years from date of reemployment plan approval. Reemployment benefits suspended for unreasonable failure to participate in approved or agreed plan.
AMERICAN SAMOA	Second Injury Fund	$10 weekly paid by employer plus maintenance from Special Fund	Commission arranges for vocational rehabilitation of permanently disabled workers.
ARIZONA	Appropriations annually from general fund up to 2% of annual premium	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation	Vocational rehabilitation trainees considered an employee at $200 monthly wage rate for compensation benefits.
ARKANSAS	No fund established	Reasonable expenses for maintenance, travel, and other necessary costs for 60 weeks maximum	Must apply to Commission. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
CALIFORNIA	No fund established	During rehabilitation, necessary living expenses plus either a maintenance allowance not exceeding $246/week, and may be supplemented up to temporary disability maximum, if medical condition has not become permanent and stationary. If employee fails to cooperate with rehabilitation service's plan, he will not receive maintenance allowance for days of non-cooperation.	Rehabilitation unit in Office of Benefit Determination. Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes.
COLORADO	No fund established for vocational rehabilitation	Maintenance, tuition, and transportation during 26 weeks	Period of time may be extended another 26 weeks if necessary. Employee cannot receive disability benefits and maintenance simultaneously. If totally disabled employee refuses suitable employment or vocational rehabilitation, PT benefits will not be awarded.*
CONNECTICUT	Funded out of unified 4% assessment	Weekly subsistence allowance during vocational rehabilitation	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Bureau of Workers' Compensation in the Department of Human Resources.
DELAWARE	No fund established	Reasonable board, lodging, and travel	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
DISTRICT OF COLUMBIA	No fund established	Not exceeding $50 per week	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
FLORIDA	Payments from Special Fund and assessments upon insurers and self-insurers	Reasonable board, lodging, and travel, if away from home	Privately provided rehabilitation is voluntary. The Division of Workers' Compensation shall pay for evaluations for appropriate training and education, and for the training and education itself. Carriers may pay 26 to 52 weeks of rehabilitation temporary total disability payments. Refusal to accept rehabilitation deemed necessary by judge of compensation claims results in automatic 50% reduction in compensation for each week of refusal.
GEORGIA	No fund established	Reasonable board, lodging, and travel, if away from home	Rehabilitation benefits are compulsory only in catastrophic cases. Employee's unreasonable refusal may result in suspension of compensation.
GUAM	State fund (appropriation)	$50 per week in addition to other compensation	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
HAWAII	No fund established	Board, lodging, travel, tuition, books, and basic materials in addition to compensation	Rehabilitation unit within Department of Labor and Industrial Relations makes recommendation for physical or vocational rehabilitation. Director approves services and reviews progress.
IDAHO	.7% tax on insurers and self-insurers	Reasonable expenses for maintenance and travel	Rehabilitation Division administers. Temporary disability benefits payable up to 104 weeks where retraining required.
ILLINOIS	No fund established	Maintenance costs and incidental expenses	Physical, mental, and vocational rehabilitation as may be necessary. Institutional care, if required.
INDIANA	No fund established		Vocational rehabilitation available to any injured employee unable to attain gainful employment, due to an occupational disease or injury.*
IOWA	No fund established	$20 weekly in addition to other compensation for 13 weeks	May be extended additional 13 weeks. Medical care includes physical rehabilitation.
KANSAS	No fund established	Employer must pay reasonable board, lodging, and travel up to $3,500 for a 36-week period and may be required to pay up to $2,000 more, if necessary	Employer or carrier must refer certain employees to an approved rehabilitation vendor for vocational evaluation. Employer must provide up to 36 weeks (may be extended an additional 36 weeks). Disability payments suspended for worker's refusal to participate in rehabilitation. After 90 days refusal, Director may reduce compensation to not less than PPD payments.
KENTUCKY	No fund established	Board, lodging, and travel, if away from home	Unlimited medical rehabilitation, vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
LOUISIANA	No fund established	Board, lodging, and travel paid by employer or carrier	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
MAINE	Employment Rehabilitation Fund*	Tuition, books, fees, and sum for sustenance and travel not to exceed 25% of SAWW. Employees injured before 6/30/85 may receive additional $35 weekly. Job training included as necessary.	Office of Employment Rehabilitation monitors cases. Employer must file report within 120 days of injury if employee has not returned to employment. Benefits suspended if employee does not comply with program. Employer's obligation to reinstate employee continues until 1 year or 2 years if more than 250 employees, after employee reaches maximum medical improvement. Employees who have not had a rehabilitation plan developed for them, and were injured on or after 11/20/87, may be entitled to rehabilitation. Training, treatment or service is only 52 weeks unless Board extends.**
MARYLAND	No fund established	Up to $40 weekly paid by employer	Workers' Compensation Commission investigates claims and reports of disability for referral to State Department of Vocational Rehabilitation or to a private vendor. Employee is entitled to rehabilitation services with TT benefits. Employee entitled to 24 months of vocational rehabilitation. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for temporary total disability plus expenses of vocational assessment and rehabilitation.
MASSACHUSETTS	No fund established. Paid the same as compensation by employer or insurer	Office of Education and Vocational Rehabilitation may approve room, board, and travel expenses for 52 weeks	Necessary cost of rehabilitation subject to approval of Office of Education and Vocational Rehabilitation. Benefits suspended for refusal to participate.
MICHIGAN	No fund established	Transportation and other necessary expenses during 52 weeks training	Medical and vocational rehabilitation services under Workers' Compensation Bureau—approved facility. Bureau may extend training period additional 52 weeks, maximum total 104 weeks.
MINNESOTA	No fund established	Necessary expenses, including tuition, books, travel, board, lodging, and custodial daycare. Employee receives temporary total during approved retraining up to 156 weeks.	Qualified injured worker entitled to rehab. provided by/at expense of employer. If approved plan, employer to provide retraining up to 156 weeks.* Participant may request 25% benefit increase and is eligible for one-time relocation allowance. Employer may seek termination or suspension of benefits if worker fails to cooperate with plan. Rehabilitation is no longer mandatory but may be requested by injured worker.**
MISSISSIPPI	No fund established	Up to $10 per week up to 52 weeks	Commission cooperates with federal and state agencies.
MISSOURI	Partial source, Second Injury Fund, which is responsible for the partial payment of $40 per week, not to exceed 20 weeks, with all remaining costs to be at the expense of the employer or insurer	Reasonable board, lodging and travel if away from home, paid by employer or insurer. TT or TP benefits paid throughout duration of rehabilitation program	Administered by Director of Worker's Compensation Division. Division may order employer to provide transportation. Employer must pay lost wages for up to 20 weeks during physical rehabilitation. Initial rehabilitation plan may not exceed 26 weeks and employers may extend it up to 26 weeks.*
MONTANA	Rehabilitation Fund by 1% tax upon compensation paid by insurers, self-insured, and state fund	A disabled worker unable to return to the job at the time of the injury is eligible for up to 104 weeks of benefits at the TT rate while implementing a rehabilitation plan which can be job placement, on-the-job training, education, training or specialized job modification. Up to 10 weeks of benefits are available while the worker is awaiting the opportunity to implement a rehabilitation plan, and 8 weeks of benefits are available for use in obtaining employment when the plan calls for job placement. Auxiliary benefits up to $4,000 remain available for travel and relocation expenses, as well as implementing a rehabilitation plan.	Administered by Department of Labor and Industry rehabilitation panel. Services provided by private certified rehabilitation counselors. Employee also may be referred to the Department of Social and Rehabilitative Services. Employee's refusal may result in loss of compensation. Disputes over the rehabilitation plan resolved by the Workers' Compensation Court.

Alaska. *Stipend of 60% of spendable income kicks in when medical and PPI benefits are exhausted.

Colo. *Vocational rehabilitation is an optional benefit for injuries after July 2, 1987.

Ind. *State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable on employment by partially disabled claimant.

Maine. *Board may levy assessment on each insurer based on paid losses for previous year when amount in Fund is less than $500,000. Fund also receives sum equal to 100 times AWW when work-related injury causes employee death and there are no dependents.

**Office of Rehabilitation may implement and pay for out of the Rehabilitation Fund, a plan previously rejected by the employer. If the plan proves successful, the Fund may assess the employer up to 180% of the plan implementation costs.

Minn. *Surviving spouse may request rehabilitation.

**Expense of rehabilitation is borne by employer. Vocational rehabilitation is separated from physical rehabilitation. Physical rehabilitation is considered a medical expense.

Mo. *Refusal of employee to undergo rehabilitation results in 50% reduction in TT or TP benefits. Effective 7/1/91.

CHART X ☐ REHABILITATION OF DISABLED WORKERS ☐ January 1, 1993 (continued)

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
NEBRASKA	Vocational Rehabilitation Fund by 2% of benefits paid by carriers and self-insurers in the state in prior year	Board, lodging, travel, tuition, fees, and books paid by fund. Temporary indemnity paid by self-insurer or carrier	Payments into fund suspended when fund reaches $1,500,000. Assessment (2%) when fund reduced to $800,000
NEVADA	State Insurance Fund and self-insurance	Insurer may allow maintenance as needed	Insurer is authorized to provide all necessary rehabilitation services. Employee's refusal results in loss of all benefits
NEW HAMPSHIRE	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so, for one year more if unusual circumstances. Vocational Rehabilitation Coordinator can assist in development of program. Benefits can be suspended for non-cooperation with vocational rehabilitation
NEW JERSEY	No fund established		Permanent total disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining
NEW MEXICO	No fund established		
NEW YORK	$2,000 in no-dependency death cases	Up to $30 per week for rehabilitation maintenance	Department of Labor cooperates with Department of Education
NORTH CAROLINA	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation
NORTH DAKOTA	Benefit Fund	Rehabilitation allowance plus supplies, tuition, fees and books in lieu of and equal to compensation for up to two years, plus 25% if maintaining two domiciles	Bureau through its Director of Rehabilitation provides retraining. Employee's unreasonable refusal to co-operate shall forfeit compensation. If worker refuses rehabilitation, no benefits will be provided. If refusal continues for 60 days, eligibility for benefits ends
OHIO	State Insurance Fund	Same as for temporary total disability, minimum 50% of SAWW, for 6 months (renewable).*	Rehabilitation Division is within the Bureau of Workers' Compensation. Division may make all necessary expenditures, medically including treatment of non-occupational conditions inhibiting return to work
OKLAHOMA	No fund established	Board, lodging, travel, tuition, and books	Court may order necessary rehabilitation up to 52 weeks, may also order additional 52 weeks
OREGON	No fund established	Worker receives temporary total disability compensation during training	Insurer must provide vocational assistance to workers who cannot return to work at a wage within 20% of wage at injury
PENNSYLVANIA	No fund established*	State Board of Vocational Rehabilitation may provide cash payments for living expenses	State Board of Vocational Rehabilitation may provide physical restoration, training, support and job placement services
PUERTO RICO	No fund established	Administrator may grant $45 weekly for up to 26 weeks	Rehabilitation center provides physical, medical, and rehabilitation services
RHODE ISLAND	$750 in no-dependency death cases. 1% of insurance premium	Board, lodging, and travel	The Department operates the Dr. John E. Donley Rehabilitation Center. Compensation suspended for willful refusal of suitable employment or rehabilitation
SOUTH CAROLINA	No fund established		No specific statutory provision
SOUTH DAKOTA		Compensation paid up to 60 days, if pursuing rehabilitation	TT during period of approved vocational rehabilitation
TENNESSEE	No fund established		Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer
TEXAS	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Commission may notify employees of the vocational rehabilitation services available through the Texas Rehabilitation Commission and private providers. The Commission keeps a registry of private providers of vocational rehabilitation services
UTAH	Voluntary by insurance carrier	$1,000 maximum during rehabilitation of permanently and totally disabled person	If he cannot be rehabilitated, worker receives benefits for life from Employers Reinsurance Fund, minimum is 36% of current SAWW
VERMONT	No fund established	Board, lodging, travel, books, and tools	Commissioner may order vocational rehabilitation services. If employee refuses, compensation may be suspended
VIRGIN ISLANDS	Government Insurance Fund	Board, lodging, and travel	Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V—Total Disability Benefits
VIRGINIA	No fund established		Commission may award compensation, medical care, and vocational rehabilitation. Employer may be required to furnish and maintain wheelchairs, bedside lifts, adjustable beds and make alterations to home, maximum $25,000. Employee's unreasonable refusal may suspend compensation
WASHINGTON	No fund established	Compensation, board, lodging, travel, books, equipment, and child care allowance, up to 52 weeks (maximum $3,000)	Supervisor may extend period for another 52 weeks. Department operates a Rehabilitation Center and pays maintenance and employer's cost of job modification
WEST VIRGINIA	State Fund used, no special account	Up to $10,000 (includes tuition, books, supplies, travel, lodging, and tools). No limit on physical rehabilitation costs. Temporary total disability payments if totally disabled	Fund-employed Rehabilitation Counselors provide referrals and direct services. Direct job placement emphasized, but training considered on basis of need. Short term training preferred. Longer programs approved when no other employment alternatives available, normally limited to 2 years
WISCONSIN	No fund established	Temporary total disability; travel and necessary maintenance if away from home	40-week period may be extended with Division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation
WYOMING	No fund established		
F.E.C.A.	Employees' Compensation Fund	Up to $200 per month	If person fails to undergo rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings
LONGSHORE ACT	Special Fund*	Up to $25 per week	Surplus in Fund in any one year may be carried over. Appropriations authorized
ALBERTA	Accident Fund	Discretion of Board	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse
BRITISH COLUMBIA	Accident Fund	Discretion of Board	Rehabilitation Clinic established. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse
MANITOBA	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation. Spouse of deceased worker receiving monthly payments entitled to rehabilitation
NEW BRUNSWICK	Accident Fund	Discretion of Board	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation
NEWFOUNDLAND	Injury Fund	Discretion of Commission	Commission may make expenditures as are necessary or expedient to aid a worker's rehabilitation
NORTHWEST TERRITORIES	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation
NOVA SCOTIA	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation
ONTARIO	Schedule 1 cases—Accident Fund Schedule 2 cases—employers individually	Discretion of Board Discretion of Board	No limit on amount in any one case or in any year for rehabilitation. Surviving spouses entitled to same level of vocational rehabilitation as injured workers, as of 4/1/85
PRINCE EDWARD ISLAND	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation
QUEBEC	Accident Fund. Individual liability for employers held personally responsible for the payment of benefits	As required by law	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse
SASKATCHEWAN	Injury Fund	Discretion of Board	Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training is also available for spouse, as well as educational allowance for dependent children of fatally injured workers
YUKON TERRITORY	Compensation Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation
CANADIAN MERCHANT SEAMEN'S ACT	No fund established	No specific statutory provision	

Ohio *If claimant returns to lesser-paying job while in rehabilitation, wage loss compensation of difference between wage at time of injury and wage at job while in rehabilitation program can be paid

Pa. *Funded by federal and state sources

Longshore *See Chart XII—Second-Injury Funds—Special Provisions

PART 3

ADMINISTRATION

Because workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. Indeed the National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent upon an effective system for delivery of the benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977 which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. Over time, the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states have moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include—

- Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel.
- Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation.
- Management of second injury funds, special assessment requirements.
- Collection of data and evaluation of program performance.

ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS: CHART XI

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart XI shows statutory provisions relating to administration. These include (1) time limits in which employers must be advised of injury, (2) time in which claims must be filed, (3) claims settlement conditions, and (4) regulation of attorney fees.

EMPLOYER'S REPORT OF ACCIDENTS: CHART XII

All employers are interested in requirements legally imposed on them to report injuries, and the penalty—if any—imposed for failure to report. In many jurisdictions, except for preliminary reports, the insured's company relieves an employer of this burden. Provisions for employers' reports of accidents are summarized in Chart XII.

SECOND-INJURY FUNDS: CHART XIII

Second-injury funds (or like arrangements) were developed to meet problems arising when a pre-existing injury combines with a second to produce disability greater than that caused by the latter alone. The funds (1) encourage hiring of the physically handicapped and (2) more equitably allocate costs of providing benefits to such employees. Second-injury employers pay compensation related primarily to the disability caused by the second injury alone—even though the employee receives a benefit relating to his combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employ a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer thus may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself—as shown in Chart XIII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources of the fund.

ADMINISTRATION EXPENSES: CHART XIV

Chart XIV refers to (1) how costs of administration are met; (2) nature of assessments, if any; and (3) type of insurance provided for—whether private or state or both.

APPEAL PROVISIONS: CHART XV

Appeal provisions—including designation of the court of appeal and nature of the procedures—are summarized in Chart XV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

DIRECTORY: CHART XVI

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the *Analysis* are furnished.

CHART XI ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS January 1, 1993

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ALABAMA	Courts	In writing within 5 days, excusable up to 90 days	Within 2 years after accident, last payment, or removal of incapacity	By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts	Lien when registered with probate judge		Award for more than 6 months at any time by agreement of parties with court approval	Fixed by Circuit Court judge up to 15% award. All litigation expenses and attorney's fees must be reported to the Director
ALASKA	Workers' Compensation Board	In writing to Board and employer within 30 days, excusable *	Within 2 years after knowledge of disability. Within 1 year after death or 2 years after last payment	By agreement, on approval of Board	Lien, recording required in 1 year. Interest and penalties accrue	By Board	Within 1 year after last payment of compensation or after rejection of claim	Fixed by Board
AMERICAN SAMOA	Workmen's Compensation Commission	In writing within 30 days, excusable	Disability—within 1 year after injury or last payment. Death—within 1 year after death or claimant should know relation to employment	Compensation without award except in disputed cases. Disputed cases settled by Commision	Award is effective upon filing, enforceable by High Court		By Commissioner on application or own motion within 1 year after last payment or rejection of claim. At any time in case of fraud	Subject to approval of Commissioner or High Court. Court may assess costs against party that proceeds without reasonable grounds
ARIZONA	Industrial Commission	Forthwith, excusable	Within 1 year after injury or accrual of right, excusable.* Claim not barred if compensation has commenced	By Commission	Lien upon filing	By administrative law judge within 30 days	By administrative law judge on application	Commission may regulate maximum 25% of award
ARKANSAS	Workers' Compensation Commission	No later than end of next business day, excusable	Within 2 years after injury or death	Compensation without award except in contested claim. Disputed claims heard by Commission member, or administrative law judge, upon application. Settlements may be approved by joint petition.*	Preference rights of unpaid wage claims	By Commission from decision of administrative law judge within 30 days	By Commission within 6 months of end of compensation period except in "joint settlements."**	Sliding scale subject to approval by Commission. Maximum $250 on appeal to full Commission; $500 on appeal to Court
CALIFORNIA	Division of Workers' Compensation handles administration. Appeals Board handles judicial functions	In writing within 30 days, excusable. Within 1 day of receiving notice or having knowledge of injury, employer must provide injured worker with a claim form	Disability—within 1 year from date of injury or last payment. Death—within 1 year after death to 240 weeks after injury	By agreement on approval of Appeals Board which may order hearing. Disputed cases settled by Appeals Board on application	Judgment on filing in Superior Court	By Appeals Board from workers' compensation judge's findings	Reconsideration within 20 days; no modification after 5 years	Reasonable fee fixed by Appeals Board. If Court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award.*
COLORADO	Director, Division of Workers' Compensation	Within 4 days, excusable (claimant may lose up to one day's compensation for each day's delay)	Within 2 years after injury or death.* Does not apply if compensation paid or if reasonable excuse in 3 years	By agreement approved by Director or Administrative Law Judge. Disputes may be resolved through mediation, prehearing conferences and formal hearings.**	Judgment on filing copy of award against uninsured employer in District Court	By Director or Administrative Law Judge within 20 days, then by Industrial Claims Appeals Office within 20 days	By Division within 6 years from date of accident or 2 years after last payment (whichever is later).***	On contested cases, a contingent attorney fee not exceeding 20% of the amount of the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney
CONNECTICUT	Workers' Compensation Commissioners. 14 Commissioners—1 chair and 13 at large—for 8 districts (8 districts dissolve 9/30/93)	Forthwith, excusable.*	Within 1 year after accident.** If death results within 2 years after accident or disease—within 2 years from accident or disease, or within 1 year from death (whichever is later)	By agreement, on approval of Commission. Disputed cases settled by Commission	Judgment on filing in Superior Court. Award has preference rights of unpaid wages	By Compensation Review Division within 10 days.***	By Commissioner during compensation period	Subject to approval of Commissioner
DELAWARE	Industrial Accident Board	If notice not given in 90 days no compensation due until notice or knowledge of injury	Within 2 years after injury, death, or 5 years from last payment	By agreement, on approval of Board. Disputed cases settled by Board after hearing	Preference rights of unpaid claims		By Board at any time but no more than once each 6 months	30% of award or $2,250, whichever is less. Reasonable fee on appeals
DISTRICT OF COLUMBIA	D.C. Office of Workers' Compensation	In writing within 30 days, excusable	Within 1 year after accident or last payment	By Mayor	Award is effective upon filing	By Mayor on application or own motion	By Mayor within 1 year after last payment or denial of claim	Approval by Mayor
DISTRICT OF COLUMBIA GOVERNMENT WORKERS	D.C. Division of Disability and Crime Victims Compensation	48 hours, extended for cause	Within 60 days after injury or 1 year after death, extended for cause	By D.C. Division of Disability and Crime Victims Compensation	Fund pays award	By administrator upon own motion or application at any time	By administrator	Subject to approval by administrator
FLORIDA	Division of Workers' Compensation	In writing within 30 days, excusable	Within 2 years after injury, death, or last payment	By agreement, but Division may investigate. Upon application, Division must order a hearing conducted by judge of compensation claims, or an informal mediation conference	May be filed in proper court; execution or other process in Circuit Court		By judge of compensation claims on application or own motion within 2 years after last payment or claim rejection.*	Subject to approval of judge of compensation claims or court; claimant pays own fee
GEORGIA	Board of Workers' Compensation	Within 30 days, excusable	Within 1 year after injury, death, or medical care, or within 2 years after last payment	Compensation without award except in contested claims. Disputed claims settled by Board, Director, or administrative law judge.*	Judgment in Superior Court on certified copy of award.**	By Board on application within 20 days	By Board on application or own motion within 2 years after final payment (4 years for PP). Final settlement may not be modified	Fees in excess of $100 subject to Board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required. Maximum recovery fee for attorney is 25% of income benefit received
GUAM	Workers' Compensation Commission	In writing within 30 days, excusable	Within 1 year after injury, death, last payment, or awareness of relationship between the injury/death and the employment	Compensation without award within 14 days after knowledge of injury or death. Controverted claims are settled by the Commission	Lien against assets of carrier or employer. Enforcement of final order by Superior Court		By Commissioner within 1 year after last payment or rejection of claim, on own motion or application	Subject to approval of Commissiner or Court on review. Legal fees shall be a lien on compensation
HAWAII	Director of Labor and Industrial Relations	Forthwith, excusable	2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury	By agreement or else by decision which agreements must be prepared by Director within 60 days after conclusion of hearing * in accordance with law. If not agreed, Director makes award	Judgment on filing in Circuit Court	By Appellate Board within 20 days	By Director on own motion or on application of any party within 20 days but no later than 8 years after decision	Subject to approval of Director
IDAHO	Industrial Commission	In writing within 60 days after accident, excusable	Within 1 year after accident or death.*	By agreement, subject to approval of Commission. Disputed cases settled by Commission or member after hearing	Judgment in District Court on filing certified copy of award	By Commission within 20 days	By Commission within 5 years of accident, but no more than once in 6 months	Subject to approval of Commission

Alaska *Burden of proof shifted to claimant if late notice excused

Ariz *Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment, tolled during incapacity

Ark *If no hearing is requested within 6 months of claim filing, the claim may be dismissed.
**A "joint settlement" is authorized where all parties petition an immediate final settlement by the Commission. In such cases, an order of the Commission is final except as to appeals to the courts, but an order of the Commission allowing or denying such petition is not appealable.
***If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact

Calif *Typically 9-12% of contested benefits, which are usually permanent disability awards. Attorney's fee in rehabilitation cases is lesser of approximately 12% of rehabilitation benefit or reasonable hourly fee for services to attain these benefits

Colo *Statute excepts certain occupational diseases
**If alcohol was in any way responsible for the injury, prior alcohol-related convictions and court documents pertaining to the conviction may be admitted as evidence in all workers compensation hearings

Conn *Lack of notice excused if voluntary agreement, or medical treatment within 1 year after accident
**Within 3 years after first manifestation of disease (see Chart IV)
***The Commissioners comprise the Review Division

Fla *Approved lump sum settlement final if claim initially controverted

Ga *Automatic dismissal of claims for which no hearing has been held for 5 years
**7 percent interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal

Hawaii *Director may extend due date for good cause if parties agree

Idaho *When compensation is discontinued, claimant has 5 years from date of injury or showing of occupational disease to file request for a hearing of further review. If compensation is discontinued more than 4 years after injury, claimant has 1 year from date of last payment to file request for a hearing of further review

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1993 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ILLINOIS	Industrial Commission	Within 45 days. For radiological injury, within 90 days after employee knows or suspects that he has received an excessive dose of radiation	Barred after 3 years from injury or death, or 2 years after last payment, whichever is later. Radiation and asbestosis—within 25 years after last exposure for injury within 1 year after death.*	By agreement, subject to approval of Commission, after 7 days from injury. Disputed cases settled by arbitrator	Judgment in Circuit Court on filing certified copy of award	By Commission from decision of arbitrator within 30 days	By Commission within 30 months of agreement or award	Maximum 20% of compensation paid, up to 364 weeks of permanent total disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by payment of attorney's fees
INDIANA	Workers' Compensation Board	In writing as soon as practicable, excusable. Compensation accrues from date of notice if given after 30 days	Within 2 years after injury or death. Radiation—2 years after worker knows/should know relation to employment	By agreement, after 7 days from injury or at any time after death, subject to approval of Board. Disputed cases settled by Board or member on application	Judgment in Circuit or Superior Court on certified copy of agreement or award. Preference rights of unpaid wages	By full Board within 20 days after award	By Board on application or own motion, within 2 years after last day for which compensation is paid	Subject to approval of Board. Paid out of award unless bad faith by employer or lack of diligence, in which case minimum fee is $150
IOWA	Industrial Commissioner	Within 90 days after injury unless employer has actual knowledge	Within 2 years after injury or 3 years after last payment	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Industrial Commissioner	Judgment in District Court on filing certified copy of agreement or decision	By Commissioner from decision of Deputy Commissioner within 20 days	By Commissioner within 3 years from last payment, award, or noncommuted settlement	Subject to Commissioner's approval
KANSAS	Division of Workers Compensation	Within 10 days, excusable	Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with Division within 3 years after accident or within 2 years after last payment, whichever is later.*	By agreement, subject to approval of Director. Disputed cases settled by administrative law judge after hearing, subject to an appeal to the Director	Judgment in District Court on filing certified copy of award	By Director at any time before final payment, on application	By Director, before final payment and within 1 year of prior approval, on application	Reasonable amount or 25% of compensation recovered and paid, whichever is less. Subject to approval by the Director pursuant to filed written contract
KENTUCKY	Workers' Compensation Board	In writing as soon as practicable, excusable	Within 2 years after accident or death. If paid voluntarily—within 2 years after suspension or accident, whichever is later. Limits tolled during minority or incapacity	By agreement, subject to approval of administrative law judge. Disputed cases settled by administrative law judge	Judgment in Circuit Court on filing certified copy of award or approved agreement	Appeal to Workers Compensation Board must be filed within 30 days of decision by administrative law judge	By administrative law judge at any time, on application or own motion	Subject to administrative law judge's approval. No maximum, except $750 maximum in uncontested occupational disease case. Court costs and attorney's fees may be assessed against party who proceeds without reasonable grounds
LOUISIANA	Office of Workers Compensation and courts	Within 30 days (12 months if employer fails to post requirements), excusable	Within 1 year after accident, death, or last payment; if injury has a delayed development, then 1 year from time of injury develops, but in no case more than 2 years from date of accident	By agreement, subject to approval of hearing officers.* Disputed cases settled by the Director	Approved settlement entered as judgment		By Director or court after 6 months or any time by agreement	Subject to Director's approval, maximum 20% of award on first $10,000 and 10 percent of any additional amount
MAINE	Workers' Compensation Board	Within 90 days after injury, within 3 months after death, excusable for mistake of fact	Within 2 years after accident or last payment,* or within 1 year after death. If mistake of fact or fraud, within a reasonable time, but no more than 10 years after last payment in any case	Compensation without award except in contested cases. Disputed cases settled by Commission	Decision enforceable in Superior Court by suitable process	By single hearing officer	On application, approved lump sum is final except employer is not released from liability for future medical expenses unless lump sum agreement is contingent on release from such liability	Injuries after January 1, 1993, each party responsible for payment of own cost and attorney's fees. Fees subject to Board approval.** Non-lawyers authorized to represent any party unless such representation "prevents the efficient processing of any proceeding."
MARYLAND	Workers' Compensation Commission	Within 10 days after injury (30 days for hernia), within 30 days after death, excusable	Within 60 days after disability begins, excusable to 2 years. Within 18 months after death. Not barred for 3 years if treated by physician acting for employer.*	By agreement, subject to approval of Commission. Disputed cases settled by Commission or arbitration committee, hearing required on application		By Commission from arbitration committee on application	From final award, on application or own motion within 5 years	Subject to approval of Commission
MASSACHUSETTS	Division of Industrial Accidents, under supervision of Industrial Accidents Board	In writing as soon as practicable, excusable	Within 4 years after injury or death, within one year after discovery for medical benefits, excusable	By agreement, subject to approval of Division. Disputed cases settled by member of Division after preliminary conference prior to hearing	Decree in Superior Court on certified copy of agreement or decision	By reviewing Board from decision of member	On application at any time, limited in death cases	Subject to Board approval; amount fixed as multiple of SAWW according to stage of proceeding—maximum 7 times SAWW. Lump-sum settlements—maximum 20% of settlement.*
MICHIGAN	Bureau of Workers' Disability Compensation	Within 90 days after injury, excusable	Within 2 years after injury, death, recovery from incapacity, or after worker knows/should know relation of disease to employment.*	Compensation without award except in contested cases. Disputed cases settled by magistrate (by Bureau if "small dispute")	Judgment in Circuit Court on filing certified copy of award	By Appellate Commission within 30 days from decision of magistrate		Subject to approval of Bureau based on administrative rules and contingency fee schedules
MINNESOTA	Commissioner, Department of Labor and Industry as head of Workers' Compensation Division and Administration*	Within 30 days unless employer has actual knowledge, excusable up to 180 days unless prejudice shown	Within 3 years after employer's report, no more than 6 years from date of injury. Occupational disease—within 3 years after employee knows cause of disability.**	Claims settled by agreement subject to judicial approval unless both sides represented by attorney and medical and rehabilitation left open. Hearing determination subject to appeal	Award is binding and may be enforced by penalty or entering judgment in District Court	Appeals must be filed with Workers Compensation Court of Appeals within 30 days from decision of compensation judge	By petition to Court of Appeals to vacate	Approval by Division or compensation judge of 25% of first $4,000 compensation and 20% of the next $60,000 with a maximum of $13,000
MISSISSIPPI	Workers' Compensation Commission	Within 30 days, excusable	Within 2 years after injury or death	Compensation without award except in contested claims. Disputed claims heard by Commission member or referee on application	Lien against assets and has preference rights of unpaid wages	By Commission within 20 days from decision of administrative judge	By Commission on application or own motion within 1 year from last payment or claim rejection	Subject to approval of Commission or court. Maximum is 25% of award in matters before the Commission
MISSOURI	Division of Workers' Compensation	In writing within 30 days unless employer has actual knowledge. Division notifies worker of rights	Within 2 years after injury or death, or last payment (3 years if no report filed)	By agreement, after 7 days from injury or death, subject to approval of administrative law judge, legal advisor or Commission. Disputed cases settled by administative law judge	Judgment in Circuit Court on certified copy of memorandum of agreement, order, decision, or award of Division or Commission	By Industrial Commission within 20 days	By Commission on application or own motion, after notice and hearing	Commission or Division may allow reasonable fee

Ill. *Death from radiation must occur within 2 years from last exposure if not compensation or Bureau within 2 years after injury, death, paid.

Kan. *If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident, and application must be filed with Division within 3 years after employer reports accident. *Childress v. Childress Painting Co.*, 597 P.2d 637 (Kansas S. Ct. 1979).

La. *For injuries occurring after July 1, 1983. Claims filed before 1/1/90 for injuries occurring after 7/1/83, approved by Director.

Maine *Claimant gets additional year in cases of death of employee. Two year period does not run until employer files first report of injury in cases which report is due. No petition after 6 years of latest payment.
**"Prevail" means to obtain more compensation than was offered in writing before the proceeding, or, if no offer was made, to obtain benefits under the act.

Md. *Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.

Mass. *For injuries after 12/24/91, employee will contribute portion of award to attorney's fees and attorney's fees are subject to cost of living adjustments.

Mich. *No claim valid unless made within 2 years after injury, manifestation of disability, or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.

Minn. *Now includes small claims court. Settlement judges handle disputes of less than $5,000, by agreement of parties; no appeal and no res judicata effect.
**Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs, and attorney fees.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1993 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
MONTANA	Department of Labor and Industry	For injuries not resulting in death, within 30 days unless employer has actual knowledge	Verified claim within 12 months after accident. Department may grant additional 24 months	By agreement and subject to approval of Department. Any dispute over conversion of benefits to a lump sum or dispute over the amount of benefits is submitted to a mediator and then to the Workers Compensation Court, if necessary	Insurer will pay award after order received	By Department of Labor and Industry. 30 days to approve or disapprove settlement. If date of injury is prior to 7/1/87, order is reviewed by Workers' Compensation Court Judge, who has 10 days to disapprove settlement	May not be reopened by Department	May be fixed by Department or W.C. judge. Added to successful claimant's award on appeals. Not awardable by the court unless the insurer's actions in denying liability or terminating benefits was unreasonable
NEBRASKA	Workers' Compensation Court	In writing as soon as practicable, excusable	Within 2 years after injury, death, removal of incapacity or last payment. For minors within 2 years after becoming 19	By agreement with consent of insurer, but must be in accordance with Act. Disputed claims submitted to Compensation Court for hearing. Lump sums approved by Compensation Court and district court	Award is final unless timely appealed	By Compensation Court	By agreement, subject to approval of Compensation Court, or on application after 6 months by Compensation Court	Subject to approval of Judge of Compensation Court (for lien purposes)
NEVADA	Department of Industrial Relations	Forthwith*	Within 90 days after accident, 1 year after death	By agreement, in conformity with Act, subject to approval of insurer		By Department of Administration	Medical investigation may be conducted at any time based on changed circumstances	District Court may assess costs and attorney's fees if appeal is frivolous. At any level the claimant may have the state industrial claimant's attorney represent him, if requested
NEW HAMPSHIRE	Division of Workers Compensation	As soon as practicable but no later than 2 years after date of injury	Within 2 years after injury or death and claimant knows/should know of injury and relation to employment	If compensability of claim is contested, the aggrieved party may request a hearing at the Division. Disputes may also be settled by lump sum with Division approval	Payment within 5 working days. Employer's failure to comply with an award may result in a penalty of no more than $100/day	By Commissioner	Commissioner of Labor may modify no later than 4 years after last indemnity payment, except lump sums	Subject to approval of Labor Commissioner or court. Attorney's fees and interest to successful claimant on appeal
NEW JERSEY	Division of Workers Compensation	Within 14 days, excusable up to 90 days. Separate provisions for occupational diseases	Within 2 years after accident, death, last payment, or default. Separate provisions for occupational diseases	By agreement, subject to approval of Division. Disputed cases settled by Division	On filing with county clerk has effect of County Court judgment, may be docketed in Superior Court		By agreement or an application for review within 2 years of last payment. Settlement approved by compensation judge is final and conclusive	Not over 20 percent before Division. Court may fix reasonable fee on appeal.*
NEW MEXICO	Workers Compensation Administration	In writing within 15 days, excusable up to 60 days	Within 1 year after notice, death, or failure to pay. Time limit tolled while in same employment	By agreement, through mandatory mediation conducted by a representative of the Director. Disputed cases settled by Judge pursuant to hearings held by the Workers Compensation Administration. Lump sum settlements, allowable under previous versions of the law, must be approved by a Workers Compensation Judge	Award is judgment	By Department of Workers Compensation Administration	By Workers' Compensation Judge, hearings for modifications may be held at not less than 6 month intervals	Determined by Workers' Compensation Judge, maximum amount of $12,500 for both parties' attorneys including all levels of appeal. Cost of worker's attorney is split 50/50 by employer and employee
NEW YORK	Workers' Compensation Board	In writing within 30 days, excusable	Within 2 years after accident or death. When advance payment is made, claim is not barred	Compensation without award within 18 days after disability or within 10 days after employer had knowledge, except in contested claims. Disputed claims settled by referee or Board. Hearing is mandatory upon application	Payment within 10 days after decision, except in event of appeal	Full Board review on application within 30 days after split decision	By Board at any time. Subject to special conditions	As a lien on award if approved by Board
NORTH CAROLINA	Industrial Commission	In writing within 30 days, excusable	Within 2 years of final determination of disability or within 6 years after death from occupational disease or accident	By agreement, after 7 days from injury, or at any time in case of death, subject to approval of Commission. Disputed cases settled by Commission or member	Judgment in Superior Court on filing certified copy of agreement or decision	By Commission upon application within 15 days after award	By Commission on application or own motion, within 2 years	Subject to approval of Commission. Commission may assess attorney's fees and court costs against party who proceeds without reasonable ground
NORTH DAKOTA	Workers Compensation Bureau	None required	Within 1 year after injury or 2 years after death	By Bureau	Fund pays award and has liquidated claim against defaulting uninsured employers		By Bureau at any time on application or own motion	Hourly rate determined by Bureau, trial judge fixes on appeal but must give consideration to amount allowed by Bureau
OHIO	Bureau of Workers Compensation and Industrial Commission	None required except to self-insurers	Within 2 years after accident, injury, occupational disease or death.*	By Industrial Commission after hearing	Fund or self-insurer pays award after judgment	By regional review board, then Commission, within 20 days from receipt of decision	By Commission or Bureau within 6 years after injury (no lost time) or 10 years from last payment or death (lost time)	Attorney's fees are fixed by judge based on effort expended, but shall not exceed $2,500
OKLAHOMA	Workers' Compensation Court and an Administrator	In writing within 60 days, excusable	Within 2 years after injury or last payment. Death claims—within 2 years after death or last payment	By agreement, after 7 day disability, subject to approval of Workers' Compensation Court. Disputed cases settled by Court	Payment within 20 days except in event of appeal. Judgment in District Court upon motion to certify	By W.C. Court en banc on appeal within 10 days or by Supreme Court on appeal within 20 days	By W.C. Court on application or own motion at any time. May reopen case within maximum number of weeks for which award is possible	W.C. Court must approve and direct payment; 10% maximum for temporary disability; 20% maximum for permanent disability or death
OREGON	Department of Insurance & Finance, Workers' Compensation Division	In writing within 30 days, excusable	Within 1 year after accident, last payment, or last date of medical services	Awarded by Evaluation Section, closed by insurer, or settled by hearing referee	Payment on award within 30 days after order	Reconsideration by department appellate unit within 18 days of request. By referee on application within 60 days for denials or 180 days for disability rating; further appeal to Board within 30 days	By Board on own motion or claim for aggravation within five years of first determination	Subject to approval of hearing officer, Board, or Court. Board establishes fee schedule. Attorney fees of 10% of increased disability awarded if attorney involved with reconsideration process.
PENNSYLVANIA	Bureau of Workers' Compensation*	Within 21 days, excusable to 120 days. No compensation due until notice is given	Within 3 years after injury, death, or last payment.**	By agreement, after 7 days from injury, subject to Department approval. Disputed cases heard by Referee with appeals to Board	Judgment in court on filing award or agreement	By Appeal Board from referee's decision within 20 days	By Department on application within statutory time limits	Subject to approval of referee, Appeal Board, or court.
PUERTO RICO	Manager of the State Insurance Fund and Industrial Commission	None required	As soon as possible within 5 days from accident		Fund pays award		By Commission, within 30 days after copy of Manager's decision is served on the employee. Reconsideration on own motion or upon petition of interested party within 10 days.	No attorneys required in hearings, but if requested by employee, fees are fixed by Industrial Commission as percentage of award. Fees are fully paid by Fund.

Nev. *For occupational disease, within 90 days after knowledge of disability and relation to employment or within 1 year after death.

N.J. *Based on excess over amount of award tendered in good faith a reasonable time before a hearing.

Ohio *Claimant's statute of limitations extended for every day the employer fails to make required notice to the Commission, up to 4 years from date of injury, disease, or death.

Pa. *Workers' Compensation Advisory Council recommends changes in administration of law.
**Late discovery will extend the time for filing a claim involving an occupational disease.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1993 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
RHODE ISLAND	Workers' Compensation Department	In writing within 30 days; excusable	Within 3 years after injury manifestation, knowledge of injury, death, or removal of incapacity	By voluntary agreement of both parties, by hearing officer at informal hearing, or by Judge by decree	Award enforceable by Court or Director	By Court within 7 days	By Court during compensation period or within 10 years after compensation period has ceased, on own motion or on petition of either party	Subject to approval of Court. Maximum 15% of lump sum or structured settlements
SOUTH CAROLINA	Workers' Compensation Commission Claims Department	In writing as soon as practicable or within 90 days; excusable	Within 2 years after accident or 2 years after death	By agreement, after 7 days from date of injury or any time in case of death, subject to approval of Commission or member, after hearing, upon application	Judgment in Common Pleas Court on certified copy of agreement or award.*	By 3- or 6-member panel within 14 days after award	To Commission on application or own motion within 12 months from last payment	Subject to approval of Commission
SOUTH DAKOTA	Division of Labor and Management	In writing as soon as practicable within 30 days; excusable	Within 2 years after notice of intention to deny coverage	By agreement, if not disapproved by Director, within 20 days. Disputed cases settled by Commissioner after hearing, upon application	Judgment in Circuit Court on certified copy of agreement or decision	By Labor Secretary within 10 days	By Secretary by application	Subject to approval of Director of Division of Labor and Management
TENNESSEE	Courts and Workers' Compensation Division*	Notice must be within 30 days; must be written if employer does not have actual knowledge. Excusable up to 1 year	Within 1 year after accident. Dependents—within 1 year after employer's notice accepting liability	By agreement, subject to approval of County Court. Disputed cases determined by Circuit Court	Judgment in Circuit Court on approved agreement		By court, on application after 6 months. Award payable for more than 6 months may be modified by agreement aproved by court	Subject to approval of court; maximum 20% of recovery or award
TEXAS	Workers' Compensation Commission	Within 30 days; excusable	Within 1 year after injury, death, or removal of incapacity; excusable.*	By award of the commission, by judgment of a district court, or by agreement approved by commission or district court. Contested cases settled by hearing officers or through arbitration	Collectible by suit for full amount of unpaid compensation, 12% penalty and attorney's fees. Failure or refusal to comply with a Commission order/decision within 20 days may result in a fine of up to $10,000	By 3-member appeals panel within 60 days after award	By board or commission at any time during compensation period, on application or own motion	In actions before the board or commission, fees are limited to 15% of the recovery unless special circumstances prevail. Subject to approval by board, commission, or court but not to exceed 25% of recovery
UTAH	Industrial Commission	Within 180 days	Within 1 year after death, within 6 years after date of injury. Medical expenses within 3 years of last treatment.*	By Industrial Commission	Lien from time of docketing in District Court. Payments must begin within 30 days of determination of award	By Commission within 30 days	By executive director upon finding a clerical error	Subject to approval by the commission or the court. Maximum of 20% of 312 weeks of award with a $7,500 cap
VERMONT	Commissioner of Labor and Industry	In writing as soon as practicable; excusable	Within 6 months after injury, death, loss of damage suit, or removal of incapacity; excusable	By agreement, in conformity to Act, subject to approval of Commissioner (compromise agreements may be approved). Disputed cases settled by Commissioner	Judgment in county court on certified copy of agreement or award	By Commissioner on application within 6 months	By Commissioner on own motion or application at any time	Commissioner may award to successful claimant, and on appeal, 12% interest on contested part of award
VIRGIN ISLANDS	Workers' Compensation Division	In writing within 48 hours, extendable up to 30 days. Occupational disease—within 30 days from first manifestation, extendable to 90 days	Within 60 days after injury	By Commissioner; disputed cases settled after hearing (subject to appeal to any Court of Competent Jurisdiction)	First priority lien on employer's assets	By Deputy Commissioner	By Deputy Commissioner	Subject to approval of Commissioner
VIRGINIA	Workers' Compensation Commission	In writing within 30 days	Within 2 years after accident or 2 years after death. Payment of benefits after filing injury report tolls limitation on claim filing	By agreement, after 10 days from injury, or at any time after death, subject to approval of Commission. Disputed cases settled by Commission or member after hearing upon application	Judgment in Circuit Court on certified copy of agreement or award	By full Commission within 20 days after opinion	By Commission on own motion or application within 2 years of last payment, or 3 years for scheduled injuries.*	Fixed by Commission
WASHINGTON	Department of Labor and Industries	Immediately	Within 1 year from date of injury	By Department of Labor and Industries.*		By Board of Industrial Insurance Appeals within 60 days on application	By Department within 7 years, on application or own motion, 10 years for loss of vision claims	By Appeals Board upon application, reviewable by Superior Court
WEST VIRGINIA	Bureau of Employment Programs' Workers' Compensation Division	Immediately	Within 2 years after injury or death; disease claims—within 3 years after exposure or knowledge, whichever is later, or within two years after death	By Workers' Compensation Division. Hearing upon application	Fund begins payment 30 days following the granting of an award	By Administrative Law Judges within 30 days, or 60 days without notice	By Commissioner within set time limits, on written application, subject to review by Appeal Board.*	Maximum fees established, limited to 20% of award up to 208 weeks of benefits
WISCONSIN	Workers' Compensation Division	Within 30 days, excusable	Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years from injury, death, or last payment	By payment of amount due. Compromise subject to review by Department within 1 year. Disputed cases settled by Department	Judgment in Circuit Court on certified copy of award	By Commission within 21 days of decision	By Commission on its own motion within 21 days; compromises may be modified within 1 year. If occupational disease, subject to review within 12 years	Limited to 20% of amount in dispute. If admitted liability, not to exceed 10% or $100
WYOMING	Courts and Division of Worker's Compensation	Within 72 hours (also within 10 days to the court); excusable	Within 1 year after injury or discovery of injury not readily apparent	By Division of Workers' Compensation or hearing examiners and appeal to District Court	Fund pays award		Within 4 years or during time payments are made on application	Reasonable fee as allowed by court
F.E.C.A.	Division of Federal Employees' Compensation, O.W.C.P., U.S. Department of Labor	30 days, extended for cause	Within 3 years after injury or death, extended for cause	By Division	Fund pays award	By Secretary of Labor on own motion or application at any time, within one year	By Secretary of Labor or Employees' Compensation Appeals Board on review	Subject to approval by Division or Appeals Board
LONGSHORE ACT	Division of Longshore and Harbor Workers' Compensation, O.W.C.P., U.S. Department of Labor	Within 30 days	Within 1 year after injury or death, or date of last payment. Within 2 years after aware of occupational disease	By District Director (by agreement) or administrative law judge (formal hearing)	Award is effective on filing	By District Director upon own motion or application and by Benefits Review Board on Appeal	By District Director or court on review	Approval by District Director, court, or Review Board where service given

S.C. *Payment must begin within 14 days after employer has knowledge of injury or death.

Tenn. *Tennessee Claims Commission administers claims by State employers.

Texas *Employer who discriminates against claimant is liable for damages.

Utah *Claim for TT or PT disability hearing must be filed within 6 years of injury.

Va. *In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.

Wash. *Provision is made for recoupment of benefits paid through mistake or fraud.

W. Va. *Within 2 years for fatal or non-fatal cases, 5 years for temporary total disability or in cases of no awards.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1993 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ALBERTA	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death; excusable	By Case Manager	Fund pays award	By review committee on request, then by Appeals Commission at any time	By Appeals Commission at any time on application or own motion	
BRITISH COLUMBIA	Workers' Compensation Board	As soon as practicable	Within 1 year after injury, death, or disablement by disease; excusable within 3 years.*	By Board	Fund pays award	By Review Board if appealed within 90 days. From Review Board to appeal division of the Board if appealed within 30 days	By Board at any time	Board may award expenses of proceeding to successful party.**
MANITOBA	Workers' Compensation Board	In writing as soon as practicable but no later than 30 days; excusable	Within 12 months after accident or death; excusable	By Claims Adjudicator	Fund pays award	At any time	By Board	(*)
NEW BRUNSWICK	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or 6 months after death; excusable	By Claims Adjudicator	Fund pays award	At any time	Appeals Board	
NEWFOUNDLAND	Workers' Compensation Commission	As soon as practicable	Within 6 months after injury or death	By Commission	Fund pays award	At any time	Appeal of Commission's final decision goes to the Workers' Compensation Appeal Tribunal,* the last level of review	
NORTHWEST TERRITORIES	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death; excusable if as soon as practicable; maximum 3 years after death	By Board	Fund pays award	At any time	By Board	
NOVA SCOTIA	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death; excusable	By Claims Adjudicator	Fund pays award	At any time	By Board at any time or Workers' Compensation Appeal Board within 1 year	Free assistance of gov't-appointed Workers' Counsellor available to clients at any stage in adjudication process. Fees paid by Province.
ONTARIO	Workers' Compensation Board	As soon as practicable	Usually within 6 months after injury or death	By Board	Fund pays award	At any time	By Board	
PRINCE EDWARD ISLAND	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death	By Board	Fund pays award	At any time	By Board[1]	
QUEBEC	Commission de la Santé et de la Sécurité du travail du Québec	As soon as practicable after injury or knowledge of occupational disease	Within 6 months after injury, death, or from first knowledge of the manifestation of an occupational disease	By Commission	Fund pays award. Individual liability for employers held personally responsible for the payment of benefits	At any time, if no application made to Review Office	By Commission	
SASKATCHEWAN	Workers' Compensation Board	As soon as practicable; excusable	Within 6 month after injury or death; excusable	By Board	Fund pays award	At any time	By Board	(*)
YUKON TERRITORY	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death; excusable if proof of disability or death is furnished within 3 years after accident and claim is a just one	By Claims Adjudicator	Fund pays award	By review committee upon request, then by full Board at any time	By Board	
CANADIAN MERCHANT SEAMEN'S ACT	Merchant Seamen Compensation Board	As soon as practicable	Within 6 months after injury or death; excusable	By Board	Judgment in county, district, or Quebec Superior Court on certified copy of award	At any time	By Board	Board may award "expenses of proceeding" to successful party.

[1] Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time.

B.C. *After 3 years, compensation is payable only from date of filing.
**Government-appointed advisors handle workers' and employers' claims.

Man. *Government-appointed adviser handles workers' claims.

Nfld. *The Tribunal operates independently of the Commission.

Sask. *Government-appointed adviser handles workers' claims (Workers Advocate and Provincial Ombudsman).

CHART XII

EMPLOYER'S REPORT OF ACCIDENTS

January 1, 1993

JURISDICTION	KEEPING OF ACCIDENT RECORDS BY EMPLOYER[1]	REPORTING REQUIREMENTS[1]		PENALTIES FOR FAILURE TO REPORT		
		INJURIES COVERED	TIME LIMIT	FINES		IMPRISONMENT
				MAXIMUM	MINIMUM	
ALABAMA	Required	Death or disability exceeding 3 days	Within 15 days			
ALASKA	Required	Death or injury or disease or infection	Within 10 days	(*)		
AMERICAN SAMOA	Required	Injury or death	Within 10 days*	$500		
ARIZONA	Not required	All injuries	Within 10 days			Petty offense
ARKANSAS	Required	Injury or death	Within 10 days and as required	100		
CALIFORNIA	Required	Death cases or serious injuries	Immediately*	100	25	
		1 day or more than first aid	As prescribed			
		Occupational diseases or pesticide poisoning	Within 5 days			
COLORADO	Required	Death cases	Immediately	500 per day		
		All injuries causing lost time of 3 days or more*	Within 10 days*			
CONNECTICUT	Required	Disability of 1 day or more	7 days, or as directed	250		
DELAWARE	Required	Death cases or injuries requiring hospitalization	Within 48 hours*	100	25	Up to 120 days
		Other injuries	Within 10 days*			
DISTRICT OF COLUMBIA	Required	All injuries	Within 10 days	1,000		
FLORIDA	Required	Death cases	Within 24 hours*	500		
		All injuries	Within 10 days and as required*			
GEORGIA	Required	All injuries requiring medical or surgical treatment or causing over 7 days' absence	Within 10 days*	200**	20**	
GUAM	Required	Injury or death	Within 10 days*	500**		
HAWAII	Required	Death cases	Within 48 hours	1,000		Up to 90 days
		All injuries	Within 7 working days			
IDAHO	Required	All injuries requiring medical treatment or causing 1 day's absence	As soon as practicable but not later than 10 days after the accident[2]	300		Up to 6 months
ILLINOIS	Required	Death cases or serious injuries	Within 2 working days	500		Petty offense
		Disability of over 3 days	Between 15th and 25th of month			
		Permanent disability	Soon as determinable			
INDIANA	Required	Disability of more than 1 day	Within 7 days*	500		
IOWA	Required	Disability of more than 3 days	Within 4 days	100	100	
KANSAS	Not required	Death cases	Within 28 days	(*)		
		Disability of 1 day or more	Within 28 days			
KENTUCKY	Required	Disability of more than 1 day	Within 7 days[2]	1,000	100	
LOUISIANA	Required*	Lost time over 1 week or death	Within 10 days	100		
MAINE	Required	All injuries requiring physician services or causing loss of day's work*	Within 7 days	100**		
MARYLAND	Not required	Disability of more than 3 days	Within 10 days	50		
MASSACHUSETTS	Required	Disability of more than 5 days	Within 5 work days[2]	100		
MICHIGAN	Required	Death cases, disabilities of 7 days or more, and specific losses	Immediately			
MINNESOTA	Required	Death or serious injury	Within 48 hours	200		
		Disability of 3 days or more	Within 14 days			
MISSISSIPPI	Required	Disability of one day or working shift	Within 10 days	100*		
MISSOURI	Not required	Death or injury	Within 10 days*	500	50	1 week to 1 year
MONTANA	Required	All injuries	Within 6 days	500	200	
NEBRASKA	Required	Death cases*	Within 48 hours*	1,000*		Up to 6 months
		All injuries	Within 7 days*			
NEVADA	Required	All injuries	Within 6 working days	1,000		
NEW HAMPSHRIE	Required	All injuries involving lost time or medical expense	Within 5 calendar days	2,500		
NEW JERSEY	Required	All injuries*	Immediately	50	10	

[1] Federal Occupational Safety and Health Act of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

[2] Supplemental report required after 60 days, or upon termination of disability.

[3] Attending physician also required to make periodic reports to Board.

[4] Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

Alaska *20% of unpaid amounts due.

Am. Samoa *Employer must also notify Commissioner upon first payment and suspension of payment, and within 16 days after final payment.

Calif. *To Division of Occupational Safety and Health. Within 5 days of employer's notice or knowledge of employee death, employer must report death to the Department of Industrial Relations.

Colo. *Failure to report tolls time limit for claims. Disability of less than 3 days must be reported to insurer.

Del. *Supplemental report due on termination of disability.

Fla. *Report to carrier within 7 days, if injury caused employee to lose 7 or more days. Supplemental report within 30 days after final payment.

Ga. *Supplemental report on first payment and suspension of payment, and within 30 days after final payment.
**For each refusal or willful neglect to report.

Guam *Failure to report tolls limits for claims.
**For each refusal or willful neglect to report.

Ind. *Supplemental report within 10 days after termination of compensation period.

Kan. *Failure to report tolls time limit for claims. *Childress v. Childress Painting Co.* 1979.

La. *Employers with more than 10 employees must also report within 90 days after death, any nonfatal occupational illness, or injury causing loss of consciousness, restriction of work or motion, job transfer, or medical treatment other than first aid. Violation of confidentiality of any record subject to $500 fine.

Maine *Must report asbestosis, mesothelioma, silicosis, and exposure to heavy metals no later than 30 days from date of diagnosis.
**For each violation. Up to $1,000 for individual and $10,000 for corporation for any willful violation of Act, fraud, or intentional misrepresentation.

Miss. *Added to compensation.

Mo. *Supplemental report within 1 month after original notice to Division.

Neb. *Report may be made by insurance carrier or employer. Failure to report tolls time limits.

N.J. *Uninsured employers are required to report compensable injuries only. If insured, carrier is also required to make report.

CHART XII ☐ EMPLOYER'S REPORT OF ACCIDENTS ☐ January 1, 1993 (continued)

JURISDICTION	KEEPING OF ACCIDENT RECORDS BY EMPLOYER[1]	REPORTING REQUIREMENTS[1]		PENALTIES FOR FAILURE TO REPORT		
		INJURIES COVERED	TIME LIMIT	FINES: MAXIMUM	FINES: MINIMUM	IMPRISONMENT
NEW MEXICO	Required	Compensable injuries	Within 10 days	$1,000		
NEW YORK	Required*	Disability of 1 day or more or requiring medical care beyond two first aid treatments	Within 10 days	2,500		Up to 1 year
NORTH CAROLINA	Required	Disability of more than 1 day	Within 5 days[2]	25	5	
NORTH DAKOTA	Not required	No statutory provision				
OHIO	Required	Injuries causing 7 days total disability or more	Within 1 week	250		Up to 30 days
OKLAHOMA	Required	All injuries causing lost time or requiring treatment away from worksite	Within 10 days or a reasonable time	500		
OREGON	Required	All compensable injuries	Within 5 days*	(**)		
PENNSYLVANIA	Required	Death cases	Within 48 hours	100*		Up to 30 days
		Disability of 1 day or more	After 7 days but not later than 10 days			
PUERTO RICO	Required	All injuries	Within 5 days	100		
RHODE ISLAND	Not required	Death cases	Within 48 hours	250		
		Disability of 3 days or more	Within 10 days*			
		Any claim resulting in medical expense	Within 3 years of injury			
SOUTH CAROLINA	Required	All injuries requiring medical attention	Within 10 days[2]	100	10	
SOUTH DAKOTA	Required	(*)	Within 10 days	100		Or 30 days
TENNESSEE	Not required	All injuries requiring medical attention	Within 14 days	100	50	
TEXAS	Required	Disability of more than 1 day, or occupational disease	Within 8 days[2]	500		
UTAH	Required	All injuries requiring medical treatment	Within 1 week	500		
VERMONT	Required	Disability of 1 day or more or requiring medical care	Within 72 hours[2]	25		
VIRGIN ISLANDS	Required	Injury or disease	Within 8 days	500		Up to 6 months
VIRGINIA	Required	All injuries	Within 10 days[2]	250		
WASHINGTON	Not required*	All injuries requiring medical attention	Immediately	250 per offense		
WEST VIRGINIA	Not required	All injuries	Within 5 days			
WISCONSIN	Required	Disability beyond 3 day waiting period	Within 4 days	(*)		
WYOMING	Required	Compensable injuries	Within 10 days	750		Up to 6 months, or both
F.E.C.A.	No provision	Death or probable disability	Immediately			
LONGSHORE ACT	Required	All accidents	10 days	10,000		
ALBERTA	Required	Disability of 1 day or more or requiring medical aid not covered by Alberta Health Care Insurance	72 hours[3,4]	500	100 per day	
BRITISH COLUMBIA	Required	Death cases	Immediately	(*)		
		All injuries	3 days[3]			
MANITOBA	No provision	All injuries	5 business days	5,000 plus penalty of 150	50	
NEW BRUNSWICK	No provision	All injuries that disable or require medical aid	3 days[3,4]	50		
NEWFOUNDLAND	No provision	All accidents that disable or require medical aid	3 days	500*		Up to 3 months, or both
NORTHWEST TERRITORIES	No provision	All accidents and deaths	3 days[3]	250		
NOVA SCOTIA	No provision	All accidents that disable or require medical aid	3 days[3]	50 for each contravention		
ONTARIO	Required	All accidents that disable or require medical aid	3 days[3,4]	250*		
PRINCE EDWARD ISLAND	No provision	All accidents that disable or require medical aid	3 days	100	10 per day	
QUEBEC	Required, including no loss time injuries	All accidents that caused the worker to be unable to carry on his employment beyond the day on which the employment injury appeared, and those that require medical aid	2 days after day of return to work within first 14 days. If more than 14 days, 2 days after the 14th day	2,000	500	
SASKATCHEWAN	No provision	All injuries	5 days[3]	500*		
YUKON TERRITORY	No provision	All accidents in which workman is injured	3 days	500		Failure to pay penalty, imprisonment of 6 months to 1 year in aggregate
CANADIAN MERCHANT SEAMEN'S ACT	No provision	All accidents that disable or require medical aid	60 days	500		Up to 12 months

N.Y. *Also required to provide written statement of right under Act to injured employee or dependent, if deceased.

Ore. *Insurers to send disabling claims to WC Division within 21 days of employer knowledge.
**Quarterly penalty for insurers in excess of 10% of claims reported. Employers liable for civil penalty if induce workers not to report accidents.

Pa. *Late filing of an accident report may also result in the imposition of civil penalties of up to 20% of the compensation awarded and interest accrued and payable.

R.I. *Supplemental report upon termination of disability.

S.D. *Any injury requiring treatment other than first aid or which incapacitates employee for at least 7 calendar days.

Wash. *Not required, but keeping accident records satisfies OSHA requirements.

Wis. *10% of first payment to injured employee. $10 to $100 penalty to state.

B.C. *Employer may be liable for up to full cost of claim.

Man. *Plus 50% of compensation payable.

Nfld. *The cost of the compensation paid for the injury is charged against the employer's experience plus $50 assessment. On summary conviction, the fine is $500 or imprisonment up to 3 months, or both. Claim may be charged against employer's experience for failure to notify.

N.W.T. *Supplemental report within 3 days after return to work or knowledge that worker is able to return.

Ont. *Employer may also be liable for additional fine up to $25,000, on conviction, payable to court.

Sask. *Plus percentage of assessment.

CHART XIII

SECOND-INJURY FUNDS

January 1, 1993

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
ALABAMA*	Second injury which combined with prior permanent partial disability results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability		Employer must have knowledge of prior disabling injury affecting employability
ALASKA	Second injury which added to pre-existing permanent physical impairment results in substantially greater disability than from second injury alone	Disability caused by second injury up to 104 weeks	Compensation in excess of 104 weeks	Up to 6% of compensation payable to fund, percentage varies from 0% to 6% depending on fund balance. $10,000 in no-dependency death cases, civil penalties	"Physical impairment" as listed or would support an award of 200 weeks or more
AMERICAN SAMOA	Second injury which combined with prior permanent impairment results in death or compensable disability greater than from second injury alone	Benefits for first 104 weeks	Benefits beyond first 104 weeks	$1,000 in no-dependency death cases, plus fines and penalties	Employer must have prior knowledge of disability
ARIZONA	Second injury which added to a pre-existing work-related disability or a pre-existing physical impairment not industrially related (25 types of handicaps as listed by statute) results in disability for work	Disability caused by second injury	Employer and special fund are equally liable for remaining difference between compensation payable for second injury and compensation for combined disability	1.5% of all premiums and costs of self insurance. Commission may allocate up to .5% of yearly premiums to special fund to keep fund actuarially sound	Employer must have knowledge of non-industrial physical impairment. Payments are also made from the fund for vocational rehabilitation, claims against non-insured employers, insolvent carriers, supportive medical care
ARKANSAS	Second injury which added to previous permanent partial disability or impairment results in additional disability or impairment greater than from second injury alone	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	$500 in no dependency death cases to be paid to the Permanent Total Disability and Death Fund. A portion of premium tax allocated to the Second Injury Fund and Death and Permanent Total Disability Trust Fund	Employer liable for combined disability of both injuries in same employment
CALIFORNIA	Second permanent partial injury which added to pre-existing permanent partial disability results in 70 percent or more permanent disability. Second injury must account for 35 percent.*	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Legislative appropriations and $50,000 in each no-dependency death case or unpaid balance	Payments are made by State Compensation Insurance Fund
COLORADO	Second injury which added to pre-existing permanent partial disability results in permanent total disability. Also includes specified occupational diseases with multiple exposure, such as abestosis, silicosis, anthracosis and diseases from radiation exposure	Disability caused by second injury. In addition, in occupational disease cases, fund pays all medical and all compensation above $10,000	Difference between compensation payable for second injury and permanent total disability	$15,000 in no-dependency or partial-dependency cases, and tax of 1% of premiums received by insurance carriers and equivalent charge on self-insurers	If employee obtains employment while receiving compensation from second-injury fund, fund compensates at rate of 1/2 of employee's average weekly wage loss during employment
CONNECTICUT	Second injury or disease which added to pre-existing injury, disease or congenital causes results in permanent disability greater than from second injury alone	Benefits for first 104 weeks, less compensation payable for prior disability	Benefits beyond first 104 weeks, less compensation payable for prior disability.*	Tax equal to 5% of compensation paid by carriers and self-insurers during preceding calendar year plus fines	Tax imposed each time fund balance is reduced to $1,000,000
DELAWARE	Second injury or disease which added to existing permanent injury from any cause results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Tax of 2% of premiums received by insurance carriers and equivalent charge on self-insurers	Payments suspended when fund reaches $750,000 and resumed when below $250,000
DISTRICT OF COLUMBIA	Second injury or disease which added to pre-existing injury, disease or congenital causes results in permanent disability greater than from second injury alone	Disability caused by second injury for first 104 weeks and all medicals	Difference between compensation payable for second injury and permanent disability	$5,000 in no-dependency death cases or unpaid awards. Pro-rata assessments upon carriers and self-insurers based on paid losses. Fines and penalties	For injuries occuring on or after March 16, 1991 the fund will only reimburse lost wages. The employer will remain liable for medical cost
FLORIDA	Second injury or disease which merges with previous permanent physical impairment and results in substantially greater disability than from the second injury alone		Fund reimburses employer for 60% of impairment benefits, 60% of wage-loss benefits during first 5 years after maximum medical improvements and 75% thereafter, PT benefits after 175 weeks, 75% of death benefits and funeral expenses, and 50% of first $10,000 in temporary disability and medical benefits and 100% beyond $10,000	Prorata annual assessment upon net premiums of insurers and self-insurers	Assessment must equal sum of immediate past 3 years' disbursements. If injured employee has been unemployed due to injury for 2 consecutive years and is subsequently hired, the new employer will be reimbursed from the fund for 50% of the employee's wages for up to 6 months
GEORGIA	Second injury or disease which merges with prior permanent physical impairment and results in greater disability than from second injury alone	Disability caused by second injury for first 104 weeks	Employer reimbursed for 50% of medical and rehabilitation expenses in excess of $5,000 up to $10,000, and 100% of medical and rehabilitation expenses in excess of $10,000, plus income benefits beyond 104 weeks	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid, less net assets in fund. In no-dependency death cases, 1/2 of benefits payable or $10,000, whichever is less	Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed
GUAM	Second injury which combined with a previous disability causes permanent disability	Disability caused by second injury	Difference between compensation payable for second injury and compensable disability	State fund (appropriation)	
HAWAII	Second injury which added to pre-existing disabilities results in greater permanent disability, permanent total disability, or death	Disability benefits for first 104 weeks	Compensation beyond first 104 weeks	25% of 312 x effective maximum weekly benefit rate in no-dependency death cases, and unpaid balance of compensation due in permanent total and permanent partial disability cases, if no dependents, special assessment on insurers and self-insurers	
IDAHO	Second injury which combined with prior permanent physical impairment results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Amount equal to 5% of all benefits except temporary disability income benefits and accrued medical benefits and $10,000 in no-dependency death cases	When fund exceeds $2,000,000, excise may be reduced to 4% and suspended when fund exceeds $2,500,000
ILLINOIS	Second injury involving loss or loss of use of major members or eye which added to pre-existing loss of member results in permanent total disability	Disability caused by second injury.*	Difference between compensation payable for second injury and permanent total disability	Semi-yearly employer payment of 125% of compensation payments	When fund reaches $500,000 amount payable into fund reduced by 1/2. When fund reaches $600,000, payments cease. When fund reduced to $400,000, payment of 1/2 amount required. When fund is reduced to $300,000, payment of full amount shall be resumed
INDIANA	Second injury involving loss or loss of use of hand, arm, foot, leg, or eye which added to pre-existing loss or loss of use of member results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability	1% of compensation paid by insurers and self-insurers during preceding calendar year	Payment suspended when fund reaches $400,000

Ala. * Second Injury Trust Fund repealed as of 5/19/92.

Calif. *Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%. No benefits payable for subsequent unrelated noncompensable injury.

Conn. *Fund also pays accident and health insurance coverage for injured employees when employer moves out of state or goes out of business.

Ill. *Employer is liable in full if second injury is permanent and total without relation to prior injury.

CHART XIII ☐ SECOND-INJURY FUNDS ☐ January 1, 1993 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
IOWA	Second injury involving loss or loss of use of member or eye which added to pre-existing loss of use of member results in permanent disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability less value of previous loss of member or organ	$4,000 in dependent death cases, $15,000 in no-dependent death cases, any contributions by the United States, payments due but not paid to non-resident alien dependents, and sums recovered from third parties	Payments to the fund are suspended when fund reaches $1,000,000, resumed when below $500,000. A surcharge on weekly benefits paid by insurers and self-insurers is imposed to collect up to $870,000 for the Second Injury Fund in the 1992-1993 fiscal year
KANSAS	Second injury related to 17 types of handicap as listed in statute—any physical or mental impairment	Difference between fund payment and maximum award	Compensation to the extent pre-existing handicap contributed to second injury	$18,500 from employer in no-dependency death cases, and pro rata annual assessment upon carriers and self-insurers based on losses	Legislature oversees adequacy of workers' compensation fund, administered by Insurance Commissioner. Employer must prove knowledge of prior disability.*
KENTUCKY	Second injury or disease which added to prior disability or condition results in permanent disability greater than from second injury alone	Disability caused by second injury	Difference between compensation payable for second injury and greater disability less amount paid for prior injury	16.9% on all policies and an additional tax of 47% on premiums for policies issued to coal companies	
LOUISIANA	Second injury which combined with prior permanent partial disability results in disability greater than from second injury alone, or in death.*	Total disability benefits for first 104 weeks; in death cases, first 175 weeks. 50% of medical benefits which exceed $5,000 but are less than $10,000, and 100% thereafter is how much employer is reimbursed	Employer is reimbursed for all weekly compensation payments payable after first 104 weeks, or 175 weeks concerning a death	2 and 3.4% assessment on carriers and self-insurers, minimum $10	Assessments reduced at discretion of the Board within 30 days written notice before assessment is due
MAINE	Second injury caused by accident, disease, or congenital condition which added to pre-existing impairment results in permanent total disability	Disability caused by second injury	Fund reimburses employer for compensation payments not attributable to the second injury	In no-dependency death cases, 100 x SAWW and civil penalties of up to $10,000 assessed against employers who fail to insure	
MARYLAND	Second injury which combined with a pre-existing permanent impairment due to accident, disease, or cogenital condition results in a greater combined disability constituting a hindrance to employment	Disability caused by second injury	If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent Injury Fund." Prior injury and second injury must each be compensable for at least 125 weeks	6 1/2% to the Second Injury Fund and 1% to the Uninsured Employer's Fund of compensation on all awards and settlement agreements	
MASSACHUSETTS	Second injury which added to pre-existing physical impairment results in substantially greater disability or death. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits	Benefits for first 104 weeks	Employer reimbursed for 75% of benefits after first 104 weeks	$500 in no-dependency death cases and additional $500 in every death case, unpaid balance of scheduled awards	Pro rata assessment based on losses paid during preceding year by carriers and self-insureds
MICHIGAN	Second injury involving loss of member or eye, which added to pre-existing loss of member results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability. Benefits for employee with more than one job but for whom injury occurred on job which represented less than 80% AWW. For workers certified "vocationally handicapped," fund pays benefits after 52 weeks	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid	Fund is credited with any balance in excess of $200,000.*
MINNESOTA	Second injury that results in substantially greater disability than would have resulted from second injury alone	Disability caused by second injury	Employer reimbursed for disability after 52 weeks, medical after $2,000. If second injury results in permanent partial disability fund pays wage replacement benefits beyond deductible	$25,000 in no-dependency death cases, 31% of compensation for current indemnity payments, which finances all fund obligations, assessment based on various factors for injuries occurring after 1/1/84, certain penalties	Commissioner determines assessment base and rate dependent on fund's financial position and increasing up to 12% annually.*
MISSISSIPPI	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member or eye results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	$500 in no dependency death cases, $300 in dependency cases. Commission may transfer up to $200,000 from Administrative Expense Fund	Payments suspended when fund reaches $350,000 and resumed when fund reduced to $150,000
MISSOURI	Second injury, which combined with prior permanent industrial disability results in a greater combined permanent partial or total disability	Disability caused by second injury	Difference between compensation payable for second injury and compounded disability	Surcharge on all workers' compensation premiums not to exceed 3% of premiums, paid by all insureds and self-insurers	Surcharge suspended when fund reaches $24,000,000 and resumed when fund is reduced to $12,000,000
MONTANA	Second injury which combined with prior permanent physical impairment results in death or disability	Insurer liable for payment of benefits for first 104 weeks	Employer reimbursed after first 104 weeks	$1000 paid by employers, insurers or accident fund in every death case. Carriers and self-insurers assessed 5% of losses paid in preceding year	Department must certify worker as vocationally handicapped
NEBRASKA	Second injury which combined with pre-existing disability causes substantially greater disability. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits.*	Disability caused by second injury	Difference between compensation payable for second injury and the total resulting disability	2% assessment of benefits paid by carriers or self-insurers in the state in prior year	Payments suspended when fund reaches $800,000. Assessment (2%) when fund reduced to $400,000. Employer must have knowledge of preexisting permanent disability
NEVADA	Second injury which combined with any previous permanent physical disability causes substantially greater disability.*		Compensation allocated between insurer and fund	Subsequent Injury Fund in state treasury.**	Compensable claim considered "excess loss" in calculation of employers' experience rating. Employer must prove knowledge of prior inpairment
NEW HAMPSHIRE	Second injury which combined with any pre-existing disability results in greater disability.*	Benefits for first 104 weeks	Employer reimbursed after first 104 weeks, and for 50% of anything over $10,000 during first 104 weeks	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers	Employer who undertakes job modifications to retain injured worker is reimbursed 50% of the cost of modification from the fund, not to exceed $5,000 per employer/year
NEW JERSEY	Second injury resulting in permanent partial disability which added to pre-existing partial disability, compensable or not, results in permanent total disability	Disability caused by compensable injury	Difference between compensation payable for second injury and permanent total disability	Annual surcharge on policyholders and self-insured employers of pro-rata percentage of 150% of payments estimated to be paid from fund during forthcoming year. Annual surcharge paid quarterly	When fund balance exceeds $1,250,000, up to $50,000 per year may be applied toward administration costs of Division

*In death cases it must be established that either the injury or the death would not have occurred except for such pre-existing permanent physical impairment. "Permanent physical impairment" means any permanent condition due to previous accident, disease, or congenital condition which is likely to be a hindrance to employment.

Kan. *Employer may file description of prior impairment to create presumption of prior knowledge.

La. *"Permanent partial disability" means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent partial disability if employer had prior knowledge.

Mich. *Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

Minn. *If injury, disability or death would not have occurred but for the preexisting impairment, the fund pays all benefits (except for a cardiac condition, impairment of at least 10% of the whole man, or as prescribed by rule). Second-Injury Fund has been abolished after June 30, 1992. Dates of injury prior to July 1, 1992 are reimbursable and assessable.

Nev. *Pre-existing disability must support a rating of 12% or more of the whole man based on A.M.A. guides, which is likely to be a hindrance to employment.
**Fund is composed of assessments, penalties, bonds, securities, and all other property collected by administrator, Division of Industrial Insurance Regulation.

CHART XIII ☐ SECOND-INJURY FUNDS ☐ January 1, 1993 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
NEW MEXICO	Second injury which added to pre-existing disability results in permanent disability greater than from second injury alone, or, second injury resulting in death.	Liability apportioned by Workers' Compensation Administration determination.	Liability apportioned by Workers' Compensation Administration determination.	$1,000 in no-dependency death cases. Employer or insurer pays quarterly assessment up to 3% of compensation paid during quarter, exclusive of attorney's fees.	Employers and insurers have 2 year statute of limitations, from date of notice or knowledge of claim, for claims against the fund.
NEW YORK	Second injury where employee had a pre-existing physical impairment or where employee incurred a subsequent compensable injury or occupational disease at work.	Benefits for first 104 weeks.	Employer reimbursed after first 104 weeks. Fund also pays any additional benefits due to an employee who was working in concurrent employments when injured.	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers.	Employer or insurer pays awards and medical expenses, but is reimbursed from special disability fund for benefits after first 104 weeks.
NORTH CAROLINA	Second injury involving loss of member or eye which added to pre-existing injury results in permanent total disability, provided the original and increased disability were each 20% of the entire member.*	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	Assessments against employer or insurer for each permanent partial disability, up to $50 for a minor member and $200 for a major member (currently $25 and $100, respectively).	
NORTH DAKOTA	Second injury or aggravation of any previous injury or condition which results in further disability.	Disability caused by second injury.	Percent attributable to aggravation or second injury.	Benefit Fund.	Compensation in excess of amount chargeable to second injury is charged to general fund. Prior registration into the fund is not required or accepted.
OHIO	Second injury which aggravates pre-existing disease or condition (25 types of handicaps as listed by statute), resulting in death, temporary or permanent total disability, and disability compensable under a special schedule.*	Disability attributable to injury or occupational disease sustained in employment.	Amount of disability or proportion of cost of death award determined by Industrial Commission to be attributable to employee's pre-existing disability.	Reserve set aside out of statutory surplus funds.	In the case of a self-insuring employer, excess payments are made from the surplus fund, though self-insuring employers may opt not to participate in the handicap reimbursement fund. By rule of Commission in the case of State Fund employer, compensation in excess of amount chargeable to second injury is charged to surplus fund.
OKLAHOMA	Second injury to "physically impaired person"* which causes injury to the body as a whole, or to a major member combined with disability to body as a whole. Must exceed 17% to body as a whole.	Disability caused by latest injury.	Difference between compensation payable for prior injuries and compensation for combined injuries.	3% of permanent disability losses by carriers, state fund, and self-insurers and 3% of awards for permanent disability by injured worker.	Permanent total awards are payable by the fund for five years or until 65, whichever is longer.
OREGON	Any new compensable injury sustained by an injured worker within 3 years from the hire date as a Preferred Worker through the reemployment Assistance Reserve.	None.	Employers hiring a Preferred Worker are exempt from paying premiums & premium assessments on the worker for 3 years from hire date. Reserve reimburses all claim costs incurred by the worker for any new compensable injury within the 3 year period. Other return-to-work incentives include worksite modification up to $25,000, wage subsidy of 50% up to 6 months, and necessary purchases for obtained employment.	Worker pays 4.25 cents per day and employer pays 2.25 cents per day into Reserve.	Reimbursement from Reserve subject to funds available. Decisions regarding eligibility and extent of assistance not reviewable. Settlement of claim requires Department approval if reimbursement involved.
PENNSYLVANIA	Second injury involving loss or loss of use which added to pre-existing loss or loss of use of member results in permanent total disability.*	Scheduled benefits as a result of second injury.	Remaining compensation due for total disability.	Assessment against carriers and self-insurers proportional to compensation payments.	Payments are made directly by the Department.
PUERTO RICO	Second injury which aggravates or augments any former disability.		Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in permanent total disability which is compensated as such.	Insurance premiums.	The difference between expenditures by the Industrial Commission and the Manager of the State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses, maximum $1 million.
RHODE ISLAND	Second injury which merges with pre-existing work related disability resulting in greater disability or death.	Benefits for first 26 weeks.*	Employer reimbursed after first 26 weeks.*	2-3/4% tax on gross premiums collected from insurers and comparable tax on self-insurers, plus $750 in no-dependency death cases; also certain penalties.	Employer must prove knowledge of prior injury unless employee failed to disclose. Tax may be reduced when fund reaches $5 million. Any partially incapacitated employee who returns to work for at least 13 weeks at a rate less than his pre-injury AWW, is entitled to a lump sum after 13 weeks, and weekly benefits thereafter to a sum equal to the difference between current and pre-injury AWW.
SOUTH CAROLINA	Second injury which added to any previous permanent physical impairment results in substantially greater disability or death.	Disability caused by second injury for first 78 weeks, compensation and medical care.	Employer reimbursed for all benefits after 78 weeks, plus 50% of medical payments over $3000 during first 78 weeks.	Pro-rata assessments on carriers and self-insurers based on losses paid. In no-dependency deaths, unpaid benefits to fund.	Employer must prove prior knowledge of impairment or that worker was unaware of impairment.* Any claim against the Fund must be filed with the Fund prior to payment of 78 weeks of benefits.
SOUTH DAKOTA	Second injury which combined with any pre-existing disability, results in additional permanent partial or total disability or death.	Disability caused by second injury.	Difference between compensation payable for second injury and compensation for combined injuries.	Carriers and self-insurers assessed 4% of losses paid during preceding year and $500 in no-dependency death cases.	Payments suspended at $200,000, and resumed at $100,000. Any claim against the Fund must be filed with the Division of Insurance within 90 days of the subsequent injury.
TENNESSEE	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member results in permanent total disability.*	Disability caused by second injury.	Benefits in excess of 100% total disability to body as a whole.	50% of revenues from the 4% premium tax on insurers and self-insurers.	
TEXAS	Subsequent compensable injury combined with the effects of a previous injury entitles employee to life-time income benefits.	Benefits which would accrue if only the subsequent and not the previous injury had occurred.	Balance of lifetime income benefits due.	Maximum $150,424* payable into fund in each no-dependency death case.	The Workers' Compensation Commission has right of subrogation to recover claims and attorney's fees paid from Second Injury Funds.
UTAH	Second injury which combined with a previous permanent incapacity due to accident, disease, or congenital condition results in permanent total disability.	Employer pays first 6 years of PT unless there is a 10% pre-existing condition, then employer pays first $20,000 of medical benefits and first 3 years of PT.	50% of medical expenses in excess of $20,000 and permanent total disability compensation after initial 3 year period.	Up to 7.25% tax on insurers and self-insurers.	If employee is permanently and totally disabled employer or insurance carrier credited for all prior payments of temporary total, temporary partial and permanent parital disability compensation.

N.C. *Epilepsy is considered a prior permanent disability.

Ohio *Does not apply to compensation for temporary partial or percentage of permanent partial disability.

Okla. *"Physically impaired person" is one who, by accident, disease, birth, military action, or any other cause, has suffered the loss of sight of one eye, the loss by amputation of the whole or a part of, or loss of use of, a major member of his body.

Pa. *Benefits under the Subsequent Injury provision are only payable with respect to subsequent loss or loss of use of one hand, one arm, one foot, one leg or one eye.

R.I. *For claims filed after 9/1/90. Employer reimbursed after first 52 weeks for injuries between 5/18/85 and 8/31/90, and before 5/18/85, after 104 weeks.

S.C. *"Permanent physical impairment" means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairment if employer had prior knowledge.

Tenn. *Also covers death or disablement resulting from injuries of an epileptic seizure occurring on or after 7/1/85.

Texas *360 times maximum weekly benefit.

CHART XIII ☐ SECOND-INJURY FUNDS ☐ January 1, 1993 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
VERMONT	Second injury involving loss of use of member or eye which added to previous disability results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability	$500 in no-dependency death cases	Payments suspended until sufficient funds become available
VIRGIN ISLANDS	Second injury which combined with prior impairment results in death or compensable disability greater than from second injury alone	None. Employer's experience rating affected by disability payments after 104 weeks	All benefits	Premiums paid by employers by classification and experience, plus fines, penalties, and interest	Employer must have prior knowledge of disability
VIRGINIA	Second injury involving 20% loss or loss of use of member or eye which added to pre-existing disability of 20% or more results in total or partial disability	Disability caused by second injury	Employer reimbursed for compensation after all other compensation has expired plus up to $7,500 each for medical and vocational rehabilitation expenses	1/4% premium tax on carriers and self-insurers	Payments suspended at $250,000, and resumed at $125,000
WASHINGTON	Second injury or disease which added to pre-existing injury or disease results in permanent total disability or death	Disability caused by second injury	Difference between charge assessed against employer at time of second injury and total pension reserve	Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers	Preferred workers* have all benefits for claims arising within 3 years of new employment paid Second Injury Fund. The Second Injury Fund also covers job modification costs resulting from on-the-job injuries
WEST VIRGINIA	Second injury which combined with a definitely ascertainable physical impairment caused by prior injury results in permanent total disability	Disability caused by second injury	Remainder of the compensation that would be due for permanent total disability	Self-insureds in mining industry pay 30% of the manual rate, high risk industry pay 20%, all other self-insureds pay 17%	Self-insured employer who has elected not to pay into the fund liable for full compensation of permanent total disability from combined effect of a previous injury and a second injury
WISCONSIN	Second injury with permanent disability for 200 weeks or more with a pre-existing disability of an equal degree or greater	Disability caused by second injury	Disability caused by lesser of 2 injuries. If the combined disabilities result in permanent total disability, fund pays the difference between compensation payable for second injury and permanent total disability	$5,000 in death cases, $7,000 for loss of a hand, arm, foot, leg, or eye 100% of death benefit in no-dependency death cases	
WYOMING	Not applicable				
LONGSHORE ACT	Second injury resulting in permanent partial disability which added to pre-existing injury results in permanent total disability	Disability caused by second injury for first 104 weeks	Balance of compensation after 104 weeks	$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments based on losses paid. Fines and penalties	
ALBERTA	No specific statutory provision*				
BRITISH COLUMBIA	All enhanced disabilities by reason of a pre-existing disease, condition or disability	No	Yes	Accident Fund	
MANITOBA	Cost relief fund includes pre-existing conditions, occupational diseases with exposure outside Manitoba, loss of earnings from an employment other than worker's employer and some increase in benefits due to recurrences or age or apprenticeship of worker	No	Yes	Accident Fund	
NEW BRUNSWICK	Second injury coupled with other prior injuries or disabilities	No	Yes	Reserve Fund	
NEWFOUNDLAND	All enhanced disabilities because of similar or other disabilities	No	Difference between compensation payable for second injury and final result of disablement	Reserve Fund	
NOVA SCOTIA	Injury that aggravates, activates, or accelerates a disease or disability existing prior to the injury, or injury that results in injury or disease caused partly by employment and partly by other causes	No	Disability attributable to second injury	Accident Fund	Board has authority to establish second injury fund
NORTHWEST TERRITORIES	All disabilities due to pre-existing disease, condition or disability	No	Difference between second injury and total cost	Accident Fund	
ONTARIO	All disabilities caused or enhanced due to pre-existing diseases, condition or disability	No*	Difference between second injury and total cost	Accident Fund	Not restricted to permanent disability cases
PRINCE EDWARD ISLAND	No specific statutory provision				
QUEBEC	In the case of a worker already handicapped when his employment injury appears, the Commission may impute all or part of the cost of the benefits to the employers of all the units			Commission has authority to establish second injury fund	
SASKATCHEWAN	All enhanced disabilities due to preexisting disease, condition, or disability	No	Difference between second injury and total cost	Injury Fund	
YUKON TERRITORY	All enhanced disabilities because of similar or other disabilities	No	Yes	Compensation Reserve Fund for enhanced disabilities. Assessment on employers' annual payroll	
CANADIAN MERCHANT SEAMEN'S ACT	No specific statutory provision				

Wash. *Defined as workers who must change jobs due to effect of an industrial injury or illness.

Alta. *Board has established reserve funds to cover enhanced disability or aggravation of previous condition.

Ont. *Only applies to Schedule 1 employers as self insured employers and Schedule 2 employers are not eligible for Second Injury Fund.

CHART XIV

ADMINISTRATION EXPENSES, WORKERS' COMPENSATION DEPARTMENTS

January 1, 1993

JURISDICTION	SYSTEM PROVIDED FOR	FUND OR APPROPRIATION	ASSESSMENT PROVISIONS		OTHER INCOME
			AGAINST WHOM	AMOUNT	
ALABAMA	Private insurance	General appropriation court administration			
ALASKA	Private insurance	General appropriation			
AMERICAN SAMOA	Private insurance	Special fund			
ARIZONA	Competitive fund	Administrative fund	Carriers self insurers and state fund	3% of premiums, minimum $250	
ARKANSAS	Private insurance	Special fund	Carriers and self insurers	3% of manual premiums maximum *	$500 first year for carriers $100 first year for self-insurance
CALIFORNIA*	Competitive fund	General appropriation			Fines and penalties
COLORADO	Competitive fund	Special fund	Carriers and self insurers	.41 of 1% of premium payroll	
CONNECTICUT	Private insurance	Special funds	Carriers and self insurers	Prorata assessment necessary to cover expenses	
DISTRICT OF COLUMBIA	Private insurace*	Special fund*	Carriers and self-insurers	Prorated on basis of total compensation paid	Fines and penalties and $5,000 in no-dependency death cases
DELAWARE	Private insurance	General appropriation	Carriers and self insurers	Prorated	
FLORIDA	Private insurance	Special fund	Carriers and self insurers	Maximum 4% of net earned premiums	Employer assessed up to $25,000 for not furnishing safety devices
GEORGIA	Private insurance	General appropriation	Carriers and self insurers	Prorated	
GUAM	Private insurance	General appropriation			
HAWAII	Private insurance	General appropriation			
IDAHO	Competitive fund	Industrial Administration Fund	Carriers, self insurers, and state fund	1.3% of premiums	Fees for records. No fees for copies of records
ILLINOIS	Private insurace	General appropriation			
INDIANA	Private insurance	General appropriation			
IOWA	Private insurance	General appropriation			
KANSAS	Private insurance	Special fund		(*)	
KENTUCKY	Private insurance	Maintenance Fund	Carriers and self-insurers	16.9% on all policies and an additional tax of 47% on premiums for policies issued to coal companies	
LOUISIANA	Private insurance	Administrative Fund*	Carriers and self-insurers	Prorated on basis of total compensation paid	20% monthly penalty for unpaid assessment Fee of $30 charged to any party against which an award is made
MAINE	Private insurance	Workers Compensation Board Administrative Fund	Carriers*		Penalties against insurers for failure to pay compensation in timely manner
MARYLAND	Competitive fund	General appropriation	Carriers self-insurers, and state fund	Prorated	Commission may assess up to $500 annually against self-insurers and self-insured groups for actuarial studies and audits
MASSACHUSETTS	Private insurance	Special Fund		Prorated assessment necessary to cover expenses	
MICHIGAN	Competitive fund	General appropriation		(*)	
MINNESOTA	Competitive fund	Special compensation fund	Carriers and self-insurers		
MISSISSIPPI	Private insurance	Special fund	Carriers and self-insurers	Assessment of $250 against each carrier and self-insurer, then remaining expenses prorated	Civil penalties
MISSOURI	Private insurance	General appropriation	Carriers and self-insurers	2% of premiums	Fees for records, etc
MONTANA	Competitive fund	Workers' Compensation Administration Fund, assessments, appropriations and fees	Carriers, self-insurers, and state fund	Prorated on prior year's costs, $200 minimum	Graduated inspection fee, fees for records, etc., and fines
NEBRASKA	Private insurance	General appropriation. Self Insurance Fund, Special Funds	Carriers and self-insurers	1% for foreign and domestic insurers, 2% for self-insured *	Fees for copies and publications, etc
NEVADA	Exclusive fund and self-insurance	State Insurance Fund	Employers and self-insurers	As needed	
NEW HAMPSHIRE	Private insurance	Administration Fund—appropriation	Carriers and self-insurers	Prorated on basis of total compensation paid, $100 minimum *	Civil penalties
NEW JERSEY	Private insurance	Assessment against insurance carriers and self-insureds	Carriers	Percentage fixed annually	
NEW MEXICO	Private insurance	Special fund	Employers and employees	$2.00 collected quarterly assessed against all employers and employees, covered under the Workers' Compensation Act	Civil penalty of up to $5,000 for finding of retaliation by employer against employee filing claim
NEW YORK	Competitive fund	Assessment	Carriers, self-insurers, and state fund	Total amount prorated on basis of compensation payments	Fines and penalties
NORTH CAROLINA	Private insurance	General appropriation	Carriers and self-insurers	On gross premiums at rate in revenue act.*	
NORTH DAKOTA	Exclusive state fund	Appropriation from Workers Compensation Fund	Employers	Budget submitted biennially to legislature	Investment, fees, penalties and recoveries

Ark. *May be increased or reduced by Commission up to 3% maximum

Calif. *The Workers' Compensation Administration Revolving Fund pays for administrative expenses and is funded by employers and insurers

D.C. *Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation

Kan. *System of assessments

La. *Court administration financed by general appropriation

Maine *Assessment against every insurance company or association authorized to write Workers' Compensation insurance. Assessments may not produce more than $600,000 in FY 1993-94

Mich. *Annual assessment of 3/4% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund

Neb. *Not specially for workers' compensation administration

N.H. *Total assessment may not exceed 1-½% of total benefits paid by all carriers and self-insurers

N.C. *Effective 11/1/90, stock and mutual carriers pay 2% of net written premiums for the period covered by the return. All self-insurers pay a rate determined by the approved experience modifier

CHART XIV ☐ ADMINISTRATION EXPENSES, WORKERS' COMPENSATION DEPARTMENTS ☐ Jan. 1, 1993 (cont.)

JURISDICTION	SYSTEM PROVIDED FOR	FUND OR APPROPRIATION	ASSESSMENT PROVISIONS		OTHER INCOME
			AGAINST WHOM	AMOUNT	
OHIO	Exclusive fund and self-insurance	State fund	All employers, including self-insurers, counties and taxing districts, and state instrumentalities	0.267%, 0.122%, and 0.146% per $100 of payroll for private State Fund employers, state agencies, and public employer taxing district respectively.*	
OKLAHOMA	Competitive fund	Administrative Fund, State Insurance Fund, and general appropriations	Carriers and self-insurers	1% premium tax, and 2% tax on self-insurers based on compensation paid for permanent disability or death	Fines and penalties
OREGON	Competitive fund	Administrative fund	Carriers, self-insurers, and state fund. Currently 4.5%. Additional 0.2% for self-insured employer groups	Apportioned—percentage of premium needed to pay administration expenses	Fines, penalties, and interest
PENNSYLVANIA	Competitive fund	Administration fund	Carriers, self-insurers, and state fund	Prorated on basis of total compensation paid	
PUERTO RICO	Exclusive fund	State fund and appropriations	Employer	Maximum 22% of total premium receipts	
RHODE ISLAND	Private insurance	General appropriation	Carriers and self-insurers	2% of net direct written premiums.*	
SOUTH CAROLINA	Private insurance	General appropriation	Carriers and self-insurers	2 1/2% of premiums	Fines and fees
SOUTH DAKOTA	Private insurance	General appropriation			
TENNESSEE	Private insurance	General appropriation; court administration	Carriers and self-insurers	4% of premiums	
TEXAS	Private insurance	General appropriation	Carriers and self-insurers	.055% of gross workers compensation premiums paid to General Revenue Fund for administration of Commission	Fees for record checks, copies and publications
UTAH	Competitive fund	General appropriation	Carriers, self-insurers and state fund	1.4% of gross premiums	
VERMONT	Private insurance	Special fund	Employers and self-insurers	Employers—7/10 of 1% of W.C. premium; self-insurers—1% of W.C. losses	
VIRGIN ISLANDS	Exclusive fund	Territorial fund	Territorial fund		Fines, penalties, and interest
VIRGINIA	Private insurance	Special fund	Carriers and self-insurers	Maximum of 2.5% of premiums	
WASHINGTON	Exclusive fund and self-insurance	State fund	State fund and self-insurers	Determined by Director	
WEST VIRGINIA	Exclusive fund and self-insurance	State fund	All regular subscribers and self-insureds	Self-insureds pay 7% of manual rates; remainder allocated to funding from premiums paid by regular subscribers	
WISCONSIN	Private insurance	General fund	Carriers and self-insurers	Prorata on all indemnity paid on cases first closed in prior year	
WYOMING	Exclusive fund*	Workers' Compensation Fund	Employers	Expended budget	Interest from investments, penalties, and interest
F.E.C.A.	Exclusive fund	Appropriation authorized from U.S. Treasury	Employing Agencies	Cost of compensation and medical expenses	
LONGSHORE ACT	Private insurance	Appropriation authorized from U.S. Treasury			
ALBERTA	Exclusive fund	Accident Fund	All employers under the act	Determined by Board	Investment income, interest, and penalties
BRITISH COLUMBIA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Investment income and penalties
MANITOBA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Such sum out of consolidated fund as Lt. Gov.-in-Council may direct
NEW BRUNSWICK	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Penalties for violations
NEWFOUNDLAND	Exclusive fund	Injury Fund	All enumerated employers	Determined by Commission	Interest and penalties
NORTHWEST TERRITORIES	Exclusive fund	Accident Fund	All employers	Determined by Board	Investment income, interest and penalties
NOVA SCOTIA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Investment income and penalties
ONTARIO	Exclusive fund for Schedule I employers; individual liability for Schedule II employers	Accident Fund for Schedule I employers. Deposit with Board for Schedule II employers	All employers in Schedule I. Administrative costs only for Schedule II employers	Determined by Board	Investment income and penalties
PRINCE EDWARD ISLAND	Exclusive fund for Part I; individual liability, Part II. No limitation	Accident Fund	All enumerated employers	Determined by Board	
QUEBEC	Exclusive fund; individual liability for employers held personally responsible for the payment of benefits	Accident Fund & deposit with Commission for employers held personally responsible	All employers	Determined by Commission	Investment income, interest and penalties
SASKATCHEWAN	Exclusive fund	Injury Fund	All employers	Determined by Board	Penalties for violations
YUKON TERRITORY	Exclusive fund	Accident Fund	All employers	Determined by Board	Investment income and penalties
CANADIAN MERCHANT SEAMEN'S ACT	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen		

Ohio *Effective 7/1/90, self-insured employers will be assessed on a prorated portion of paid compensation in self-insured claim.

R.I. *Payments lapse on 12/31/92

Wy. *Private insurers allowed to write coverage for non-required industries and occupations.

CHART XV | **APPEAL PROVISIONS** | **January 1, 1993**

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED		BASIS FOR REVIEW	JURY TRIAL
					LAW ONLY	LAW AND FACT		
ALABAMA	Courts*	42 days	Supreme Court	Certiorari	Yes		Record	Yes, on demand
ALASKA	Workers' Compensation Board	30 days	Superior Court	Notice of appeal		Yes	Record	No
AMERICAN SAMOA	Workmen's Compensation Commission	30 days	High Court	As in civil actions	Yes		Record	No
ARIZONA	Industrial Commission	30 days	Court of Appeals/Supreme Court	Certiorari		Yes	Record	No
ARKANSAS	Workers' Compensation Commission	30 days	Court of Appeals	As in civil actions, with precedence over all other civil cases	Yes		Record	No
		No provision	Supreme Court	As in civil actions	Yes		Record	No
CALIFORNIA	Workers' Compensation Appeals Board	45 days	Supreme Court, or District Court of Appeals	Writ of review	Yes		Record	No
COLORADO	Industrial Claims Appeals Office	20 days 15 days	Court of Appeals Supreme Court	Court of Appeals' review is limited to certiorari in cases of injuries on or after 7/1/91. Writ of certiorari; courts will not alter factual findings which are supported by substantial evidence		Yes Yes	Record Record	No
CONNECTICUT	14 commissioners	20 days	Appellate session of Superior Court* Supreme Court	Notice of appeal**	Yes		Record	No
DELAWARE	Industrial Accident Board	20 days	Superior Court	As prescribed by the court		Yes	Record	No
DISTRICT OF COLUMBIA	Office of Workers' Compensation	15 days	D.C. Court of Appeals	Petition	Yes		Record	No
		90 days to a year	Superior Court	Application or review		Yes	Record	No
FLORIDA	Department of Labor and Employment Security	20 days	District Court of Appeals, First District	Notice of appeal	Yes		Record	No
GEORGIA	State Board of Workers' Compensation	20 days	Superior Court	Notice of appeal	Yes		Record	No
			Court of Appeals	Discretionary authority				
GUAM	Workers' Compensation Commission	30 days	Superior Court	Injunction proceedings	Yes		Record	No
HAWAII	Disability Compensation Division	20 days 30 days	Appellate Board Supreme Court	Notice of appeal*	Yes		Trial de novo Record	No
IDAHO	Industrial Commission	42 days	Supreme Court	Notice of appeal	Yes		Record and transcript of evidence	No
ILLINOIS	Industrial Commission	20 days	Appellate Court, Industrial Commission Division	Proceeding for review		Yes	Record; no additional evidence	No
		30 days	Supreme Court*	As prescribed by the court	Yes			
INDIANA	Workers' Compensation Board	30 days	Court of Appeals	As in civil action*	Yes		Assignment of errors	No
IOWA	Industrial Commission	30 days 20 days	District Court Supreme Court	Petition for judicial review As in civil cases	Yes Yes		Certified transcript of documents and evidence	No
KANSAS	District Court	30 days	District Court*	Notice of appeal		Yes	Transcript of evidence and proceedings	No
			Court of Appeals	Notice of appeal	Yes			
KENTUCKY	Workers' Compensation Board	30 days	Workers' Compensation Board Court of Appeals Supreme Court	Notice of Appeal As in civil actions	Yes		Certified record	No
LOUISIANA*	Office of Workers' Compensation	60 days** 30 days	Worker's Compensation Hearing Officer District Court	Petition		Yes	Trial de novo	No
			Appellate Court	As in civil actions		Yes	Transcript of proceedings	No
			Supreme Court	As in civil actions		Yes	Certified record	No
MAINE	Workers' Compensation Board	20 days	Law Court	As in equity procedure*	Yes		Record	No
MARYLAND	Worker's Compensation Commission	30 days	County Circuit Courts or Baltimore Common Law Courts	Notice, followed by informal and summary trial	Yes, in occupational disease cases	Yes, except in occupational disease cases	Trial de novo	Yes, on demand
		No provision	Court of Special Appeals Court of Appeals	As in civil cases				
MASSACHUSETTS	Industrial Accidents Board	30 days	Superior Court	As in civil cases	Yes		Agreed statement of facts and findings and decision	No
		No provision	Supreme Judicial Court	As in civil cases	Yes			
MICHIGAN	Workers' Compensation Appellate Commission*	30 days	Court of Appeals	Certiorari, mandamus, or other permissible method	Yes			No
		30 days	Supreme Court					
MINNESOTA	Office of Administrative Hearings*	30 days	Workers' Compensation Court of Appeals Supreme Court	Notice of Appeal Certiorari		Yes	Certified record. Oral arguments on issues of law	No
MISSISSIPPI	Workers' Compensation Commission	30 days	Circuit Court	Notice of Appeal		Yes	Record	No
			Supreme Court	As in civil cases		Yes	Record	
MISSOURI	Division of Workers' Compensation*	20 days	Labor & Industrial Relations Commission			Yes	Certified record	No
		30 days	Appellate Court		Yes			
MONTANA	Department of Labor and Industry	(*)	Workers' Compensation Court Supreme Court	Notice of appeal		Yes	Certified record	No
NEBRASKA	Workers' Compensation Court*	30 days	Court of Appeals Supreme Court	Notice of appeal and bill of exceptions (under general laws)	Yes		Certified record	No
NEVADA	Department of Administration Appeals Officer	30 days	District Court	Petition for judicial review	Yes		Record	No
NEW HAMPSHIRE	Department of Labor	30 days	Compensation Appeals Board Supreme Court	Notice of appeal		Yes	Trial de novo	No

NOTE—Other Canadian jurisdictions do not provide for judicial appeal.

[1] Generally courts may set aside an award on one of the following grounds: (1) that the Commission acted in excess of its powers, (2) that the award was procured by fraud, (3) that the facts found by the Commission did not support the award, and (4) that there was not sufficient competent evidence in the record to warrant the finding.

[2] Board may request opinion on question of law or jurisdiction on its own motion.

[3] Court has power to pass only upon question of law or jurisdiction of the Board.

Ala. *Ombudsman program, effective for injuries after 1/1/93, to mediate disputes. Settlements reached under this process do not require court approval but may be taken to court for final judgment.

Conn. *Claimant may appeal commissioner's decision to Compensation Review Division (panel of 3 commissioners) then to appellate session of Superior Court.
**Division may certify question of law on its own motion.

Hawaii *Appellate Board may certify questions of law to Supreme Court.

Ill. *Workers' compensation appeals panel of court may decide case or refer to full court.

Ind. *Board may also certify questions of law on its own motion.

Kan. *If court fails to appeal within 60 days, Director must request decision; if no decision is issued within 30 days after request, Director must advise Supreme Court.

La. *If any compensation under a final, non-appealable judgment is not paid within 30 days, 24% interest will be added to the compensation.
**60 days for devolutive appeal.

Maine *Appeal to law court may be stayed by hearing officer obtaining review of decision by Board. Appeal to law court then taken from decision issued by Board.

Mich. *Workers' Compensation Appeals Board has primary responsibility for any appeals filed prior to 3/31/86. It will be abolished as of July 1, 1991. If at that time any cases remain, a 5 member workers' compensation appeal board will be created. Workers' Compensation Appellate Commission has jurisdiction over all other cases.

Minn. *Disputed WCD conference determination is heard de novo at OAH.

Mo. *Administrative Law Judge's award may be appealed to Industrial Commission.

Mont. *Varies depending upon reason for appeal.

Neb. *The Court is constituted the same as the boards and commissions in other states.

CHART XV ☐ APPEAL PROVISIONS ☐ January 1, 1993 (continued)

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED LAW ONLY	 LAW AND FACT	BASIS FOR REVIEW	JURY TRIAL
NEW JERSEY	Division of Workers Compensation	45 days	Appellate Division of Superior Court	Notice of appeal		Yes	Sufficient/creditable evidence to support decision	No
NEW MEXICO	Court of Appeals	30 days	Court of Appeals	As in civil actions	Yes		Certified record	No
NEW YORK	Workers Compensation Board	30 days after decision on review*	Appellate Division, Supreme Court, Third Department	As in civil actions, with precedence over all other civil cases	Yes	Yes		
		No provision	Court of Appeals	Regular appeal	Yes		Record	No
NORTH CAROLINA	Industrial Commission	30 days	Court of Appeals	As in civil actions*	Yes		Record	No
NORTH DAKOTA	Workers Compensation Bureau	30 days	District Court	Appeal		Yes	Record	No
		60 days	Supreme Court	Appeal		Yes	Record	
OHIO	Industrial Commission	60 days	Court of Common Pleas	Notice of appeal and petition by claimant or employer		Yes	Trial de novo	Yes, on demand
		No provision	Supreme Court					
OKLAHOMA	Workers Compensation Court	20 days*	Supreme Court*	Petition	Yes		Certified record and specifications of error	No
OREGON	Workers Compensation Board	30 days	Court of Appeals	Notice of appeal	Yes		Record	No
			Supreme Court	Notice of appeal				
PENNSYLVANIA	Bureau of Workers Compensation*	20 days	Workmens Compensation Appeal Board Commonwealth Court	Appeal & Exceptions Notice of appeal	Yes		Certified record	No
		30 days	Supreme Court	As in civil actions	Yes			
PUERTO RICO	Industrial Commission	30 days	Industrial Commission*	Appeal		Yes	Record	
		15 days	Supreme Court	Petition for review	Yes	(**)	Certified record	No
RHODE ISLAND			Workers Compensation Court					
	Workers Compensation Court	5 days	Appellate Division of Workers Compensation Court	Claim of appeal		Yes	Certified documents and testimony	No
		20 days	Supreme Court	Writ of certiorari	Yes			
SOUTH CAROLINA	Workers Compensation Commission—Judicial Division	30 days*	Court of Common Pleas	As in civil actions	Yes		Record	No
SOUTH DAKOTA	Division of Labor and Management	30 days*	Circuit Court	Notice of appeal		Yes	Certified record	No
		120 days	Supreme Court	As in civil actions				
TENNESSEE	Courts	10 days	Circuit Court	As in civil actions		Yes	Trial de novo	No
		No provision	Supreme Court	Writ of error			Trial de novo	
TEXAS	Workers Compensation Commission	40 days	Court of county where employee resided at time of injury or death and court of county where employee resided on the date disability began or any county agreed to by the parties for an occupational disease	Appeal decision		Yes	Limited to issues decided by the Commissioon appeals panel on which judicial review is sought	Yes
UTAH	Industrial Commission	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
VERMONT	Workers Compensation Commission	30 days	County Court*	As prescribed by Court		Yes	Certified record	Yes, on demand
		After 30 days	Supreme Court	As prescribed by Court	Yes			
VIRGIN ISLANDS	Commissioner of Labor	30 days	Court of competent jurisdiction	As in civil actions	Yes		Record	No
VIRGINIA	Workers Compensation Commission	30 days	Court of Appeals	As in equity		Yes	Certified record	No
WASHINGTON	Board of Industrial Insurance Appeals	60 days	Superior Court	Notice of Appeal		Yes	Trial de novo, but on testimony before the Board	Yes, on demand
		30 days	Further appeal	As in civil actions				
WEST VIRGINIA	Workers Compensation Division	30 days*	Supreme Court of Appeals	Petition		Yes	Record of proceedings	No
WISCONSIN	Labor and Industry Review Commission	21 days	Circuit Court, Appellate Court	Action against Commission	Yes		Record	No
			Supreme Court	As from orders				
WYOMING	Hearing Examiners	30 days	District Court	Petition and bill of exceptions		Yes	Record	No
F.E.C.A.	Division of Federal Employees Compensation, O.W.C.P.	90 days to a year	Employees Compensation Appeals Board*	Application for review		Yes	Record	No
LONGSHORE ACT	Division of Longshore and Harbor Workers Compensation, O.W.C.P.	30 days	Benefits Review Board*	Petition		Yes	Record	No
		60 days	U.S. Court of Appeals	Petition	Yes		Record	No
ALBERTA	Workers Compensation Board	No limitation	Appeals Commission	In writing		Yes	Record and written or oral testimony	No
BRITISH COLUMBIA	Ministry of Labour For Review Board	90 days	Review Board*	Appeal		Yes	Record and written or oral testimony	No
	Workers Compensation Board For Appeals Division	30 days	Appeals Division	Appeal or referral		Yes		No
	Medical Review Panel	90 days	Medical Review Panel	Appeal (medical facts only)		Yes	Medical record and examination	No
MANITOBA	Workers Compensation Board	No limit	Initial adjudicator, review committee, Appeal Commission	Appeal in writing		Yes	Record and written or oral testimony	No
NEW BRUNSWICK	Workers Compensation Board	10 days	Appeal Division, Supreme Court	Under Judicature Act[3]	Yes[3]		Record	No
NEWFOUNDLAND	Workers Compensation Commission	90 days	Workers Compensation Appeal Tribunal	Written request		Yes	De novo	No
NOVA SCOTIA	Workers Compensation Board	1 year	Workers Compensation Appeal Board	Appeal		Yes	De novo	No
		30 days	Appeal Division, Supreme Court	Petition to judge for permission*	Yes[3]		Record	No
NORTHWEST TERRITORIES	Workers Compensation Board	No limitation	Appeals Tribunal	Board of review		Yes	Record and written or oral testimony	No
ONTARIO	Workers Compensation Board	No limitation	Independent Appeals Tribunal	Request to Appeals Tribunal		Yes	De novo	No
PRINCE EDWARD ISLAND	Workers Compensation Board	15 days	Supreme Court in banco	Petition to judge for permission	Yes[3]		Record	No

N.Y. *Compensation is paid pending appeal; if reversed, carrier is reimbursed from Administration Fund

N.C. *Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute

Okla. *Appeal to Workers Compensation Court en banc within 10 days may be bypassed in favor of appeal to Supreme Court

Pa. *Decisions of Referees are subject to appeal to the Workers Compensation Appeal Board

P.R. *Also can petition Industrial Commission to reconsider its decision, within 10 days
**On weight of expert testimony

S.C. *Notice of appeal must state the grounds for appeal or the alleged errors of law

S.D. *Commission may order payment of portion of award not in dispute

Vt. *Then to Supreme Court on exception

W. Va. *May be extended for cause

F.E.C.A. *There is no court appeal. Board has authority to make final decision on appeals

Longshore *First level of appeal is to Benefits Review Board within the U.S. Department of Labor. Board may sit in 3-man panels. Panel decision may be reviewed, upon petition, by full Board

B.C. *Further appeal to Commissioners of the Board within 60 days

N.S. *Board may request opinion on question of law on its own motion

CHART XV ☐ APPEAL PROVISIONS ☐ January 1, 1993 (continued)

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED		BASIS FOR REVIEW[1]	JURY TRIAL
					LAW ONLY	LAW AND FACT		
QUEBEC	C.S.S.T.	30 days	Review Office (tripartite)	Appeal		Yes	Record and written or oral testimony	No
	Minister of Labour	30 days	Medical Arbitration	Appeal (Medical facts only)			Medical record and examination	No
	Minister of Justice	60 days	Board of Appeal (Commission d'appel des lésions professionnelles)	Notice of appeal		Yes	Record and written or oral testimony	No
SASKATCHEWAN	Workers' Compensation Board	No limitation	Board	In writing		Yes	Record and written or oral testimony	No
YUKON TERRITORY	Workers' Compensation Board	No limitation	Board	Appeal in writing		Yes	Record and written or oral testimony	No

CHART XVI DIRECTORY OF WORKERS' COMPENSATION ADMINISTRATORS January 1, 1993

ALABAMA

Workmen's Compensation Division
Department of Industrial Relations
Industrial Relations Building
Montgomery, Alabama 36131
(205) 242-2868
Mr. Randy Ritchie, Administrator

ALASKA

Division of Workers' Compensation
Department of Labor
P.O. Box 25512
Juneau, Alaska 99802-5512
(907) 465-2790
Mr. Paul Arnoldt, Director

Workers' Compensation Board
Same address as Division
Ms. Nancy Yusera, Commissioner of Labor
Mr. Thomas Chandler, Member
Mr. John H. Creed, Member
Ms. Harriet Lawlor, Member
Ms. Joanne Rednall, Member
Mr. David W. Richards, Member
Mr. Donald R. Scott, Member
Mr. Darrell F. Smith, Member
Mr. Joe J. Thomas II, Member
Mr. Stephen M. Thompson, Member
Mr. Richard L. Whitbeck, Member

AMERICAN SAMOA

Workmen's Compensation Commission
Office of the Governor
American Samoa Government
Pago, Pago, American Samoa 96799
Mr. Moaali'itele Tu'ufuli, Commissioner
Mr. Tasi Mauga, Administrator

ARIZONA

Industrial Commission
800 West Washington
P.O. Box 19070
Phoenix, Arizona 85005-9070
(602) 542-4411
Mr. Gordon Marshall, Chairman
Mr. James B. Whitten, Vice Chairman
Mr. Larry J. Etchechury, Director
Ms. Elaine C. Adrian, Ombudsman
Mr. Antonio Dominguez, Member
Ms. Gay Conrad Kruglick, Member
Mr. Edward J. Ryle, Member

ARKANSAS

Workers' Compensation Commission
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-3930
Mr. James Daniel, Chairman
Ms. Pat West Humphrey, Commissioner
Mr. Allyn C. Tatum, Commissioner

CALIFORNIA

Department of Industrial Relations
Division of Workers' Compensation
455 Golden Gate Avenue
Room 5182
San Francisco, California 94102
(415) 703-3731
Mr. Casey Young, Administrative Director

Workers' Compensation Appeals Board
455 Golden Gate Avenue
Room 2181
San Francisco, California 94102
(415) 703-1700
Ms. Diana Marshall, Chairperson
Mr. Richard Gannon, Commissioner
Ms. Arlene Heath, Commissioner
Mr. Jacob Margosian, Commissioner
Mr. John Oda, Commissioner
Ms. Jane Weigand, Commissioner
Mr. Dennis Hannigan, Deputy Commissioner
Mr. Richard Younkin, Deputy Commissioner

COLORADO

Division of Workers' Compensation
1120 Lincoln Street, 12th Floor
Denver, Colorado 80203
(303) 764-4321
Mr. Kenneth M. Platt, Director
Ms. Jacquelin A. Holmes, Deputy Director

Industrial Claims Appeals Office
1120 Lincoln Street, 7th Floor
Denver, Colorado 80203
(303) 894-2378
Mr. David Cain, Member
Ms. Kathy Dean, Member
Ms. Dona Halsey, Member
Ms. Barbara Heckler, Member
Mr. William Whitacre, Member

CONNECTICUT

Workers' Compensation Commission
1890 Dixwell Avenue
Hamden, Connecticut 06514
(203) 789-7783
Mr. Jesse Frankl, Chairman
Mr. John A. Arcudi, Commissioner
Ms. Roberta D'Oyen, Commissioner
Mr. Andrew P. Denuzze, Commissioner
Mr. Donald Doyle, Commissioner
Mr. Gerald Kolinsky, Commissioner
Mr. James J. Metro, Commissioner
Mr. Angelo dos Santos, Commissioner
Mr. Michael Sherman, Commissioner
Mr. Darius J. Spain, Commissioner
Mr. George Waldron, Commissioner
Mr. Robin W. Waller, Commissioner
Mr. A. Thomas White, Jr., Commissioner
Mr. Frank J. Verrilli, Commissioner

DELAWARE

Industrial Accident Board
State Office Building, 6th Floor
820 North French Street
Wilmington, Delaware 19801
(302) 577-2885
Mr. Warner T. Foraker, Chairman
Mr. John F. Kirk, Administrator
Mr. Calvin Boggs, Member
Mr. Jesse Hastings, Member
Mr. James P. Robinson, III, Member
Mrs. Joyce L. Wright, Member

DISTRICT OF COLUMBIA

Department of Employment Services
Office of Workers' Compensation
1200 Upshur Street, NW
Washington, D.C. 20011
(202) 576-6265
Mr. Charles Green, Associate Director

FLORIDA

Division of Workers' Compensation
Department of Labor and Employment Security
301 Forrest Building
2728 Centerview Drive
Tallahassee, Florida 32399-0680
(904) 488-2548
Ms. Ann Clayton, Director

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Board of Workers' Compensation
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One CNN Center
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(404) 656-3875
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Tamuning, Guam 96931-2970
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Lansing, Michigan 48909
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P.O. Box 58
Jefferson City, Missouri 65102
(314) 751-4231
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(702) 687-3032
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P.O. Box 3500
Providence, Rhode Island 02909
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Department of Labor
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700 Governors Drive
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(605) 773-3681
Mr. W.H. Engberg, Director

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Department of Labor
501 Union Building
Second Floor
Nashville, Tennessee 37243-0661
(615) 741-2395
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Workers' Compensation Division
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(206) 956-4209
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Madison, Wisconsin 53708
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ABBREVIATIONS AND COMPUTATIONS IN CHARTS

ABBREVIATIONS

AWW — Worker's average weekly wage
C.M.S.C.A. — Canadian Merchants Seamen's Compensation Act
F.E.C.A. — Federal Employees' Compensation Act
O.W.C.P. — Office of Workers' Compensation Programs, U.S. Department of Labor
NAWW — National average weekly wage
PP — Permanent partial disability
PT — Permanent total disability
SAMW — Statewide average monthly wage
SAWW — Statewide average weekly wage
TP — Temporary partial disability
TT — Temporary total disability

COMPUTATIONS—MONTHLY TO WEEKLY

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in result. This *Analysis* attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7. Example for a monthly benefit of $750:

$$\frac{750 \times 12 \times 7}{365} = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52. Example:

$$\frac{750 \times 12}{52} = \$173.08$$

3. The third method is to divide the monthly benefit by 4.3 or a similar figure because the average month contains 4.33 weeks. Example:

$$\frac{750}{4.3} = \$174.42$$

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Annual Supplement to

1993

Analysis of

WORKERS' COMPENSATION LAWS

Prepared and Published by the U.S. Chamber of Commerce

ABOUT THE SUPPLEMENT

The *1993 Annual Supplement* is a secondary resource designed to complement and update the ***1993 Analysis of Workers' Compensation Laws***. The primary function of the ***Supplement*** is to keep readers abreast of the current legislation affecting workers' compensation throughout the 50 states. Since the goal of the ***Supplement*** is to provide a brief synopsis of pertinent legislation, this publication does not attempt to cite every bill and its related amendments. In addition, the ***Supplement*** serves as a mid-year update for those states whose weekly benefit levels change after the first of July annually.

Around the States...

ALABAMA

The 1993 Regular Session of the Alabama state legislature convened on February 2 and adjourned on May 17.

-Senate Bill 622-

- Allows independent contractors, who regularly employ fewer than five employees in any one business, to elect to file an affidavit with the Department of Industrial Relations, for exemption from coverage of workers' compensation.❑

ALASKA

The Alaska state legislature began its 1993 Regular Session on January 11 and adjourned on May 11.

-Senate Bill 174-

- Exempts taxicab drivers from the Alaska Workers' Compensation Act who have compensation and written contractual arrangements — "unless the hours worked by the individual or the areas in which the individual may work are restricted."❑

ARIZONA

The state legislature of Arizona opened its 1993 Regular Session on January 11 and adjourned on April 17.

-House Bill 2008-xx-

- Allows the Industrial Commission to annually fix the workers' compensation tax rate; this rate, however, shall not exceed three percent.

-House Bill 2062-

- Allows workers' compensation insurance carriers to offer deductible coverage to employers. The insurer must include a benefits deductible endorsement to the policy, and the employer may choose only one deductible amount.❑

ARKANSAS

The Arkansas state legislature convened on January 11 and adjourned its 1993 Regular Session on May 14. Many bills pertaining to workers' compensation were enacted; the pertinent provisions are summarized below.

-House Bill 1032-

- Requires an employer to inquire whether or not an applicant for workers' compensation has child support obligations, if the obligations are outstanding, and to whom the obligations are made payable.

-House Bill 1615-

- The maximum AWW is increased from 70 percent to 85 percent of the state AWW.
- Clarifies that a compensable injury is one "in which work is the major cause." Excluded are injuries occurring before or after work, before the employee was hired, or after the employee was terminated.
- The Workers' Compensation Fraud Investigation Unit is established. Failure to report suspected incidences of fraud shall result in a fine of no more than $1,000 and imprisonment for no more than one year. Furthermore, the misrepresentation in an attempt to deny a claim shall result in a Class D felony.
- This bill contains a provision prohibiting discrimination of a workers' compensation claimant by an employer. This is not an exception to the "employment at will doctrine". The penalty for this violation shall result in a fine of up to $10,000 with the possibility of a Class D felony conviction.
- Unless an injured employee is a victim of a crime, mental illness is not compensable, unless caused by physical injury or there is undisputable proof.
- Prohibits split coverage of employees. Each employee must be identified and have a job description.
- The Workers' Health and Safety Division is created.
- The amount granted for funeral expenses increased from $3,000 to $6,000.

- If an employer has suitable employment for an injured employee and the employer fails to return the employee to work, the employer is liable to pay the difference between the compensation benefits and the AWW lost for one year.
- The vocational rehabilitation program is extended from 60 to 72 weeks; and the mandatory six weeks of rehabilitation is repealed.
- Optional deductibles, up to $2,500 per compensable claim, must be offered to policyholders.

-Senate Bill 31-

- Grants survivor benefits to a spouse, child, or parent of a firefighter killed in route or engaged in fighting a fire.

-Senate Bill 325-

- Authorizes an inmates' spouse or dependents to petition the Workers Compensation Commission for the inmates' weekly disability benefits for the period of incarceration.

-Senate Bill 333-

- Requires all school districts within the state to provide workers' compensation coverage for its employees.

-Senate Bill 649-

- Establishes the Arkansas Conservation Corps and grants members coverage of workers' compensation.❑

CALIFORNIA

The California state legislature continues its 1993 Regular Session which convened on January 4.

-Assembly Bill 110-

- Compensation insurance shall be reduced by seven percent from the premiums in effect on July 1, 1993.
- Under certain circumstance, referrals by physicians are prohibited.
- Group self-insurance by employers is permitted.
- Vocational rehabilitation payments and programs have been limited. Specifically, "if an employer offers certain modified work, the employer is not then required to provide vocational rehabilitation services."
- For permanent disabilities of at least 70 percent but less than 100 percent occurring on or after July 1, 1994, the AWW shall not be taken at more than $157.69. On or after July 1, 1995, the AWW shall not be taken at more than $207.69; and on or after July 1, 1996, the AWW shall not be taken at more than $257.69
- Changes the death benefits for total dependency. For two or more total dependents, for injuries occurring on or after July 1, 1994 the amount is $135,000, and for injuries occurring on or after July 1, 1996 the amount is $145,000. For one total dependent and one or more partial dependents, for injuries occurring on or after July 1, 1994 the amount is $115,000, and for injuries occurring on or after July 1, 1996 the amount is $125,000. For one total dependent and no partial dependents, for injuries occurring on or after July 1, 1994 the amount is $115,000, and for injuries occurring on or after July 1, 1996 the amount is $125,000. For no dependents and one or more partial dependents, for injuries occurring on or after July 1, 1994 the amount is $115,000, and for injuries occurring on or after July 1, 1996 the amount is $125,000. For three or more total dependents, regardless of the number of partial dependents, for injuries occurring on or after July 1, 1994 the amount is $150,000, and for injuries occurring on or after July 1, 1996 the amount is $160,000.

-Assembly Bill 119-

- Mandates that "in order to establish that a psychiatric injury is compensable, an employee shall demonstrate by a preponderance of the evidence that the actual events of employment were predominate as to all causes combined of the psychiatric injury."

-Assembly Bill 1300-

- A civil penalty of not less than $2,000 and not more than $5,000, plus an assessment of not more than three times the amount of the medical treatment expenses paid for the willful misrepresentation of facts in order to obtain compensation insurance, and for knowingly making false or fraudulent written or oral statements in support of a claim for compensation.

-Senate Bill 31-

- Mandates that the costs of diagnostic tests, interpreters and medical examinations be included in the production of a medical report and do not represent medical-legal expenses, unless the report proves/disproves a disputed medical fact for the purposes of determining a contested claim.

-Senate Bill 974-

- Allows for the appropriation of $2,020,000 from the General Fund to the Subsequent Injuries Fund which would be depleted by March 1993.

-Senate Bill 1005-

- Establishes an eight-member Commission on Health and Safety and Workers' Compensation.❑

COLORADO

The 1993 Regular Session of the Colorado state legislature convened on January 13 and adjourned on May 12.

-House Bill 1078-

- Authorizes the implementation of a surcharge, of not more than three-hundredths of one percent, be imposed on premiums received. The purpose of the surcharge is to raise revenue for funding the indirect and direct costs associated with the Workers' Compensation Cost Containment Act. The surcharge will be reviewed and adjusted annually and will not apply to employers acting as a self-insurer.

-House Bill 1247-

- Allows the members of limited liability companies the option of rejecting workers' compensation coverage in the same manner permitted to corporate officers.

-House Bill 1262-

- Provides that any working partner or sole proprietor, actively engaged in the business, could be included in workers' compensation insurance coverage as an employee of the insured even if the insured does not employ any other person under a contract of hire.

-House Bill 1279-

- Requires cease and desist orders for any employer, who fails to insure for workers' compensation, or has let their insurance lapse.

-House Bill 1354-

- Mandates that insurance be "principally weighted" to encourage the implementation of effective workplace safety programs by insureds.
- Granting different rates for experience modification, participation in return-to-work programs and premium volume discounts shall not exceed 15 percent.

-House Bill 1356-

- Allows a single rate of three and one-quarter percent to be assessed on insurers and self-insureds. This surcharge rate will be combined for the Subsequent Injury Fund and Major Medical Insurance Fund until the balances exceed the present value of claims on the fund.
- The $10,000 limit for medical and compensation benefits, including funeral expenses and death benefits, is deleted.
- The "additional disability benefits equivalent to the differences between the amount paid by the last employer and the total amount for exposure to malignant disease while employment with another employer be paid out of the Subsequent Injury Fund" is repealed.
- An independent medical examination can be requested by an employer if a dispute arises pertaining to the impairment rate for subsequent injury resulting from a PTD.

-Senate Bill 132-

- Defines an employee as an individual who: performs services for pay for another; works solely for the person whom services are performed; has a quality standard established for them; are paid a salary or at an hourly rate instead of a fixed or contract rate; tools or benefits are provided for them; and combines the business operations for whom service is provided in any way with the business operations of the service provider instead of maintaining all such operations separately.❑

CONNECTICUT

The 1993 Regular Session of the Connecticut legislature convened on January 6 and adjourned on June 9.

-House Bill 7172-

- Compensation benefits are reduced from 80 percent of the AWW to 75 percent for the following: dependents of a deceased employee, total incapacity and partial incapacity.
- Except for injuries occurring before July 1, 1993, the maximum weekly benefit paid to an injured employee is reduced from 150 percent of the AWW to 100 percent.
- Any employer who knowingly misrepresents an employee as an independent contractor or provides false information concerning the number of employees for the purposes of paying lower insurance premiums shall be guilty of a class D felony.
- Any employer who fails to pay benefits to an injured employee, within the prescribed time, shall pay a penalty for each late payment, in the amount of 20 percent of the payment as well as interest.
- For PPD, additional benefits will only be awarded for the duration of the disability or 520 weeks.
- Mandates that compensation paid to an employee for their total incapacity shall be reduced while they are entitled to receive old age insurance benefits pursuant to the Federal Social Security Act.
- Any employee who recovers and returns to work and then suffers a total or partial relapse or recurrence of the previous injury shall be paid a weekly compensation equal to 75 percent of their average weekly earnings.❑

DELAWARE

The Delaware state legislature convened its regular 1993 session on January 12 and adjourned on April 8.

-House Bill 241-

- Price-fixing agreements by workers' compensation insurers is prohibited.

-Senate Bill 71-

- Grants line-of-duty death benefits to employees of the Department of Natural Resources and Environmental Control Environmental Response Team while traveling or performing duties associated with natural, man-made or other disasters.❑

DISTRICT OF COLUMBIA

During its 1993 Regular Session, the District of Columbia City Council did not pass any legislation reforming the city's workers' compensation system.❑

FLORIDA

Convening on February 2 and adjourning on May 24, the Florida state legislature, in its 1993 Regular Session, revised the workers' compensation statutes to include the following changes.

-House Bill 93-

- Provides similar provisions for police and correctional officers that are already afforded firefighters with regards to disability compensation. Any condition or impairment caused by heart disease or hypertension resulting in total or partial disability or death shall be assumed to have been accidental and suffered in the line of duty, unless sufficient evidence proves otherwise.❑

GEORGIA

The Georgia state legislature opened its 1993 Regular Session on January 13 and adjourned on March 23.

-House Bill 677-

- Permits the State Workers' Compensation Board to appoint administrative law judges to serve as members of the Board to review cases on appeal.

-House Bill 678-

- Adds an exclusion from the classification of workers' compensation for independent contractors who transport, assemble, deliver or distribute printed materials for magazines, newspapers or other publishers. Also excluded are persons performing services, pursuant to a written contract, stating the provider is an independent contractor who buys a product and resells it, receiving no other compensation.

-House Bill 811-

- Establishes a workers' compensation insurance premium reduction of five percent on or after July 1, 1993 for insureds who establish and maintain a drug-free workplace program, as well as comply with other certain requirements.

-Senate Bill 273-

- Mandates that unless a municipality or county has an established policy for providing workers' compensation benefits on or before January 1, 1993, an inmate or person participating in a work release program, community service program or similar program — even if it is deemed they are an employee while participating in training or work or while traveling to the work/training site — will not be considered for workers' compensation benefits.
- An employer must receive joint approval from the State Workers' Compensation Board and the insurance commissioner before they can provide an alternate system of compensation.❑

HAWAII

In 1993 the Hawaii state legislature convened its Regular Session on January 20 and adjourned on May 3.

-House Bill 1149-

- Amends the term employment to include "service performed by an individual for a corporation if the individual owns at least 50 percent of the corporation, provided that no employer shall require an employee to incorporate as a condition of employment."

- House Bill 1660-

- Increases the penalty, from $1,000 to not more than $5,000, for the willful refusal or neglect of filing requirements for workplace injuries and deaths to the director, and eliminates the penalty of imprisonment.

-Senate Bill 191-

- Mandates that "all insurers shall treat a volunteer firefighter the same as a firefighter employed by a county fire department; provided that the volunteer firefighters are attached to a station where a commercial driver's license holder is on duty at all times or at least four commercial drivers license holders are members of the volunteer unit."❑

IDAHO

The Idaho state legislature began its 1993 Regular Session on January 11 and adjourned on March 27. Several changes were made to the state's workers' compensation system; they are cited below.

-House Bill 161-

- As of July 1, 1993, all surety, other than self-insurers authorized to write workers' compensation insurance, must pay 2.5 percent of the net premiums written during the preceding six month period to the state treasury, but no less than $75. In addition, each self-insurer must pay into the state treasury 2.5 percent of the amount of premium the employer, who is a self-insurer, would be required to pay as premium to the state insurance fund, but no less than $75. Any insurer, however, is permitted to deduct 1.3 percent of the net premium written from any sum required to pay into the department of insurance as a tax on premiums, as computed above.

-House Bill 375-

- Allows deductibles to be offered by a surety to the policyholder for benefits payable when issuing a workers' compensation insurance contract.

-Senate Bill 1147-

- The $100 deductible a claimant had to pay before the Insurance Guaranty Association became obligated to a cover claim is eliminated.

-Senate Bill 1160-

- Increases from $3,000 to $6,000 the amount payable for burial expenses.❑

ILLINOIS

The state legislature in Illinois continues its 1993 Regular Session. The legislature, which convened on January 13, recessed on July 13. Thus far, only one piece of workers' compensation legislation has been enacted.

-Senate Bill 703-

- Permits the transfer of up to $1.5 million from the Second Injury Fund and the Workers' Compensation Benefit Trust Fund to the Rate Adjustment Fund.❑

INDIANA

The 1993 Regular Session of the Indiana state legislature convened on January 5, and adjourned on April 29.

-House Bill 1765-

- Clarifies the term independent contractor as "an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a corporation, or other legal entity." An independent contractor who does not make an election for state coverage must file such statement and a validated affidavit of exemption with the Workers' Compensation Board.

-Senate Bill 247-

- Clarifies the term rostered volunteer as an individual "whose name has been entered on a roster of volunteers for a volunteer program operated by a unit; and who has been approved by the proper authorities of the unit" — this does not include a volunteer firefighter or an inmate. Medical treatment and the occupational disease laws are applicable to rostered volunteers.❑

IOWA

Convening on January 11 and adjourning on May 2, the Iowa state legislature met for its 1993 Regular Session. The only change to the state's workers' compensation system is cited below.

-House Bill 495-

- Amends the definition of employee or worker to include a volunteer ambulance driver or an emergency medical technical trainee.❑

KANSAS

The Kansas state legislature began its 1993 Regular Session on January 11 and adjourned on May 2. The enacted changes, which modify the state's workers' compensation system, are outlined below.

-Senate Bill 307-

Criminal/Legal:

- An investigating, monitoring and reporting system for worker's compensation fraud and abuse is established. Included in this section is a list of 20 offenses and violations.
- Monetary damages can be recovered by an employee who has suffered an economic loss resulting from a fraudulent act — this does not include damages for non-pecuniary loss.
- A monetary benefit to a violator of less than $500 will result in a Class C non-person misdemeanor while amounts over $500 will result in a level nine non-person felony.
- Attorney's fees "should not exceed a reasonable amount or 25 percent of the total compensation recovered and paid which is less than $10,001; 20 percent of the total recovered and paid which is more than $10,000 and less than $20,001; or 15 percent for over $20,000, whichever is the lesser amount, in addition to expenses incurred." Prohibited are attorney fees on vocational rehabilitation benefits and medical expenses.

Administrative:

- An ombudsman program is established to aid claimants, injured employees, and those claiming death benefits.

- An informal, non-adversarial, dispute resolution process is established through Benefit Review Conferences — an ombudsman may assist a claimant at the Conference.
- A five-member workers' compensation board is created to review decisions, findings, orders and awards.
- The term "workers' compensation self-insurance fund" will replace the "workers' compensation fund"; the state workplace health and safety program will be included in the fund.
- Five or more employers, with similar businesses, are now allowed to enter group-funded compensation pools.

Benefits:

- The total annual payroll required for compensation insurance compliance is raised from $10,000 to $20,000.
- The time allotted for loss-of-arm injuries is now 225 weeks; for injuries not including the shoulder, the time remains at 210 weeks.
- PPD "in excess of functional impairment will be allowed to the extent that the employee has lost the ability to perform similar work during the 15 years prior to the accident, averaged with the difference between the AWW earned at the time of the injury and the AWW earned after the injury." In addition, PPD awards will not be granted to employed workers receiving 90 percent or more of the average gross weekly wage that was being earned at the time of the injury. Furthermore, the maximum PPD award, only for functional impairment, will be $50,000.
- If vocational rehabilitation is unavailable to an injured employee, the request to be referred to a qualified provider will be acknowledge at the employer's expense.
- When calculating disability, a 40-hour work week is not automatically used.
- Lump sum settlements for two years after the employee has returned to work at a comparable wage are forbidden.❑

KENTUCKY

The Kentucky state legislature met in two 1993 Special Sessions. The first convened on February 1 and adjourned on February 16; the second began on May 10 and was dismissed on May 27. No workers' compensation legislation, however, was passed.❑

LOUISIANA

The state legislature of Louisiana convened its 1993 Regular Session on March 29 and adjourned on June 10.

-House Bill 1099-

- Requires that retirement and disability benefits to be paid to firefighters "shall be computed such that the disability benefit from the retirement system and the workers' compensation benefit shall each be paid in respect to the ratio that each individual benefit bears to the total of both benefits."

-House Bill 1684-

- Dictates that a minimum combined net worth of $500,000 must be maintained by workers' compensation self-insurance funds. After January 1, 1994, this minimum will increase to $1 million.

-House Bill 1783-

- Creates an Anti-Fraud Advisory Board and an Anti-Fraud Fund.

-House Bill 1785-

- This bill relates to third-party administration and defines it as "an individual, partnership, cooperation...who directly or indirectly solicits or effects coverage of, underwrites, collects charges or premium from, or adjusts or settle claims. . . for workers' compensation." There must be a written agreement between a third-party administrator and the insurer for the duration of the agreement. The administrator must disclose all fees, commissions and charges received. Each administrator is required to be licensed by the commissioner; failure to abide by this provision will result in a fine of $5,000 per violation per day. Violation of this act will result in the suspension or revocation of an administrator's license — a maximum fine of $25,000 could be imposed.

-Senate Bill 812-

- Stipulates that the willful misrepresentation of an employer to an employee regarding compensation insurance shall be punishable by imprisonment of no less than one year and not more than 10, or fined not more than $10,000, or both.

-Senate Bill 817-

- Mandates that the penalty for the misrepresentation of benefits payments, obtaining or defeating benefit or payment, may be imprisonment for not more than 10 years, or a fine of not more than $10,000, or both.

-Senate Bill 1059-

- Creates the Louisiana Workers' Compensation Corporation as a private, nonprofit corporation, operating as a domestic mutual insurer. The corporation shall "provide United States Longshore and Harbor Workers' Compensation Act insurance to employers only if the corporation is also providing Louisiana workers' compensation insurance."❑

MAINE

In Maine, the state legislature convened its 1993 Regular Session on January 6 and adjourned on July 14. Below is a summary of the changes to the state's workers' compensation system.

-House Bill 644-

- Mandates that any "health facility or health care provider that knowingly submits false or misleading records or other information to an insurance carrier, self-insurer or group self-insurer or the board is guilty of class D crime."

-House Bill 976-

- Provides coverage to forest fire wardens and laborers hired by municipalities.❑

MARYLAND

The Maryland legislature began its 1993 Regular Session on January 13 and adjourned on April 12.

-House Bill 283-

- Extends the date of termination of designated assessments to the Subsequent Injury Fund from June 30, 1993 to June 30, 1995.

-Senate Bill 673-

- Stipulates that a person, who knowingly received benefits not entitled to them, repay the full amount plus interest at a rate of 1.5 percent per month from the date the commission notifies the individual.

-Senate Bill 841-

- Delays the termination date from June 30, 1993 to June 30, 1997 for competitive rating for workers' compensation insurance.❑

MASSACHUSETTS

The Massachusetts state legislature, convening on January 6, continues its 1993 Regular Session. Thus far, no workers' compensation legislation has been enacted.❑

MICHIGAN

In Michigan, the state legislature continues its 1993 Regular Session which convened January 13. To date, no amendments to the state's workers' compensation statutes have been enacted.❑

MINNESOTA

The 1993 Regular Session of the Minnesota state legislature opened on January 5 and adjourned on May 17.

-House Bill 1413-

- Mandates that when an insurer is determining workers' compensation premiums, they shall not include wages paid for work performed in an adjacent state if the employer paid a premium to the exclusive state fund of the adjacent state on wages earned.

- This bill also requires an injured employee or dependent, who is a minor or an incapacitated person, have a guardian or conservator to represent their interests.

-Senate Bill 176-

- Orders the Workers' Compensation Reinsurance Association (WCRA) to distribute excess funds to policyholders. The act mandates that both past and future surpluses, estimated at $400 million, be distributed by insurers of the 1992 WCRA to employers within 60 days of the effective date of this act. Employers will, however, be assessed if the fund becomes deficient.☐

MISSISSIPPI

The Mississippi state legislatures'1993 Regular Session convened on January 5 and adjourned on April 2.

-House Bill 417-

- Creates a special fund within the State Treasury called the "Tort Claims Fund".
- All money in the "Accident Contingent Fund" in the State Treasury shall on October 1, 1993 be transferred to and deposited in the "Tort Claims Fund". After the said date, the "Accident Contingent Fund" will be abolished.
- Any two or more political subdivisions may enter into an agreement to contract between them for the purposes of pooling their liabilities.

-House Bill 1149-

- This measure grants the workers' compensation commission increased power to sanction and/or fine any party pursuing or assisting with a fraudulent claim. Furthermore, the commission is authorized to levy a civil penalty, in addition to requiring payment for reasonable expenses to the opposing party, of not more than $10,000 against the attorney or party advising or assisting the party.☐

MISSOURI

The Missouri state legislature began its 1993 Regular Session on January 6 and adjourned on May 30. Summarized below, are the changes to the state's workers' compensation system.

-Senate Bill 251-

- Presenting multiple claims, assisting others with fraudulent claims, and misrepresenting facts in order to receive lower rates for insurance are now considered violations of the law. The maximum penalty for fraud changes from $10,000 to double the amount of the fraud or $10,000, whichever is greater.
- The three-day waiting period has changed to three "regularly scheduled" working days.
- Employers are required to provide notice to their employees when compensation coverage is terminated.
- Employers are permitted to have group insurance.
- As of October 31, 1993, all workers' compensation policyholders and authorized self-insurers will be required to pay an annual surcharge which shall be set at and calculated against a percentage of the policyholder's or self-insured's workers' compensation net deposits, net premiums or net assessments for the previous policy year.☐

MONTANA

The 1993 Regular Session of the Montana state legislature convened on January 4 and adjourned on April 24. Numerous changes affecting the state's workers' compensation system were enacted and are cited below.

-House Bill 13-

- Mandates that stress claims, often referred to as "mental-mental claims" and "mental-physical claims" are not compensable under the state's workers' compensation and occupational disease laws.

-House Bill 259-

- Decrees that an employee who sustains an injury while participating in a recreational activity is not eligible to receive workers' compensation benefits.

-House Bill 622-

- Redefines TPD as a "condition resulting from an injury in which a worker, prior to maximum healing, is temporarily unable to return to the position held at the time of injury because of a medically determined physical restriction; returns to work in a modified or alternative employment; and suffers a partial wage loss."
- Allows insurers to suspend payments, pending receipt of medical information, if an injured employee fails to keep scheduled medical appointments; and a worker forfeits the right to any suspended benefits if they are released to return to work.
- This act adds language stating that an insurer's liability for TPD shall be the difference between the injured employee's AWW (at the time of the injury), subject to a 40 hour maximum, and the actual weekly wage earned during the disability. This amount will not exceed the worker's TTD benefit rate and is limited to 26 weeks. If a modified position is no longer available to the worker and the disability continues, the injured worker requalifies for benefits.
- A provision is added which allows an insurer to offer optional deductibles, as part of the policy endorsement.
- Mandates the suspension, revocation or denial of a professional or occupational license for willful violations of the workers' compensation laws; and adds fraud, misrepresentation or deception to the definition of unprofessional conduct.
- A medical provider is prohibited from referring an injured worker to a facility that is wholly or partially owned by the provider, unless the worker is informed and provided with other options, if any exist. Violation of this section shall result in a fine of not less than $200 or more than $500.
- Insurers and employers are now exempt from liability for civil damages resulting from reporting "good faith" information of suspected violators of workers' compensation laws.
- Under this act, two or more businesses may join together and form a group to purchase individual insurance policies covering each member of the group, pursuant to the departments' approval and consistent with specified standards.
- Insurers are required to notify employers if a claim is re-opened; and notification to claimants by insurers of their benefits and entitlements, using department provided information, is mandatory.
- The suspension of benefits is authorized, by the insurer, if the claimant is receiving social security disability benefits.

-Senate Bill 91-

- Provides that an individual is eligible to receive temporary total benefits and medical benefits for a work-related injury received while participating in a pre-release center program or a diversionary program.

-Senate Bill 103-

- Decreases the amount municipalities are obligated to pay an injured police officer.

-Senate Bill 163-

- Creates a "Safety Culture Act". To reward an employer with a good safety record and penalize a poor record, the state fund shall implement variable pricing levels within individual rate classifications.

-Senate Bill 164-

- Creates a Workers' Compensation Fraud Investigation and Prosecution Office , as well as fraud prevention and detection unit in the state fund.
- This act also prohibits an injured employee from receiving both wages and disability payments without the written consent of the insurer; an employee violating this law is guilty of theft and may be subject to criminal penalties. In addition, it is also a violation for an employee to receive both wages and rehabilitation benefits without the written consent of the insurer. Likewise, an employee violating this law is guilty of theft and may be subject to criminal penalties.

-Senate Bill 256-

- Requires out-of-state employers, in the construction industry, to provide workers' compensation for their out-of-state employees.

-Senate Bill 258-

- Grants subrogation rights to insurers of workers' compensation unless the employee demonstrates damages in excess of the benefits and third-party recovery combined.

-Senate Bill 347-

- Redefines disability as a "condition in which a workers' ability to engage in gainful employment is diminished as a result of physical restrictions resulting from an injury. The restrictions may be combined with factors, such as the workers' age, education, work history and other factors that affect the workers' ability to engage in gainful employment."
- Under certain circumstances, after an injured employee has achieved medical stability, an insurer may not be required to furnish palliative or maintenance care.
- An injured worker is authorized to choose their initial treating physician.
- An insurer, after providing 14 days' notice, may terminate compensation benefits if the insurer believes the injured employee is not cooperating with a managed care organization or treating physician.

-Senate Bill 381-

- Redefines "underinsured employer" as an employer who knowingly misrepresents employee's work description in an attempt to pay lower premiums. A penalty of up to double the premium the employer would have paid, or $200, whichever is greater, may be assessed. The department may also order the employer to cease operating until their employees have been properly classified and the correct premiums have been paid.❑

NEBRASKA

The Nevada state legislature opened its 1993 Regular Session on January 18 and adjourned on July 2.

-Legislative Bill 757-

- All insurers and self-insurers are required to pay a one percent premium tax to the Compensation Court Cash Fund.
- The maximum weekly income benefit increases to $310 as of June 1, 1994, and $350 as of January 1, 1995. Commencing January 1, 1996, the maximum weekly benefit shall be 100 percent of the SAWW.
- Provides compensation from an employer when an employee is temporarily disabled and undergoing rehabilitation whether the rehabilitation is voluntarily offered by the Compensation Court or any judge.
- Workers' compensation premiums shall be calculated by the sum of expected losses and expected expenses as a percentage of the premium and shall be the same for high-wage-paying and low-wage-paying employers in the same job classification.
- Allows the Compensation Court to develop and implement an independent medical examiner system.
- All public and private employers subject to the Workers' Compensation Act shall establish a safety committee no later than January 1, 1994.❑

NEVADA

The Nevada state legislature convened its 1993 Regular Session on January 18 and adjourned on July 2.

-Assembly Bill 436-

- Provides that no person shall receive unemployment compensation when they receive benefits for TTD or TPD, and receive money for rehabilitative services in a given week.

-Senate Bill 316-

- A claim for compensation must be filed with the insurer within one year after the death of an injured employee.
- An employer, within six days of receiving a receipt for a claim for workers' compensation, shall report such claim to their insurer or third-party administrator.

- An injury or disease sustained by an injured worker that is caused by stress is only compensable if it resulted from or in the course of their employment.
- The commissioner may grant permission, through the issuance of a certificate, to five or more employers to act as an association of self-insured public employers or as an association of self-insured private employers.
- A willful statement of misrepresentation for the purposes of obtaining benefits not entitled to an individual may result in imprisonment for not less than one year nor more than 10 years, or by a fine of not more than $10,000.
- An injured employee or their dependents shall not receive benefits for TTD for the time such employee is incarcerated. Such employee shall be eligible to receive disability benefits when they are released.❑

NEW JERSEY

In New Jersey, the state legislature continues its 1993 Regular Session which convened January 12. Thus far, only one piece of workers' compensation legislation has been enacted.

-Assembly Bill 1127-

- Establishes the New Jersey Self-Insurers Guaranty Association. The purpose of this association is to provide an "assurance of the payment of workers' compensation to the employees of insolvent members, not to exempt any employer, even an insolvent employer, from the responsibility to provide workers' compensation to victims of workplace injury or illness, or to reduce, to any degree or in any way, the responsibility of a self-insured employer to provide appropriate guarantees, funds, bonds or other assurances that compensation will be available."❑

NEW HAMPSHIRE

The New Hampshire state legislature convened its 1993 Regular Session on January 6 and recessed on July 1.

-House Bill 164-

- This bill authorizes the commissioner to grant lump sum payments. The medical provisions, however, may not be granted in a lump sum, and it is possible for vocational rehabilitation to be paid in a lump sum. All lump sum payments shall be approved by the commissioner.
- Establishes an insurance fraud investigation unit within the Department of Insurance.

-House Bill 197-

- Any individual making a willfully false statement for the purpose of obtaining a benefit, shall be fined no more than $100. Furthermore, in the absence of malice, no person will be subject to any civil liability for libel, slander or any other cause of action resulting from information or suspicion concerning a fraudulent claim.

-House Bill 418-

- Any employee, who appeals to the Board or Supreme Court the amount of benefit payable, and such employee is victorious, shall be entitled to reasonable counsel fees and costs. This amount shall be approved by the Board or Court. In addition, interest, computed from the date of injury, shall be paid to the said employee at a rate of 10 percent per year on that portion of the disputed award. This bill will take effect on January 1, 1994.

-House Bill 606-

- Authorizes employers who are in workers' compensation assigned risk pools to establish a managed care program.
- An eight-members Advisory Council on workers' compensation is established.

-House Bill 669-

- Authorizes any individual who was prevented from appealing an aggrieved decision within 30 days through mistake, accident, or misfortune, not through neglect, may petition the Compensation Appeals Board at any time up to one year after the decision.❑

NEW MEXICO

On January 19, 1993 the New Mexico state legislature convened its Regular Session. The legislature adjourned on March 20.

-House Bill 519-

- Authorizes the Child Support Enforcement Division to issue a court order to the Workers' Compensation Administration stating the claimant owes past due or ongoing support.

-House Bill 533-

- Requires that payment of cash benefits, for the first installment are due 14 days, rather than 31 days, after a report is filed and disability begins.
- If a utilization review decision, made by the director, is binding and subject to repeal rights, there will be a forfeiture of payment and/or fine for excessive medical services.
- Workers' compensation insurance is a prerequisite for licensure of construction contractors.
- The ban on including vocational rehabilitation benefits in lump sum payments is rescinded.

-Senate Bill 397-

- Establishes an Employee Leasing Act mandating that every employee leasing contractor must comply with the Workers' Compensation Act.❑

NEW YORK

In New York, the state legislature continues its 1993 Regular Session which convened on January 6. The following changes to the state's workers' compensation system have been enacted.

-Senate Intro. 2179-

- In order for a corporate officer to be exempt from mandatory coverage of workers' compensation, they must own at least one share of shock. Furthermore, if there are only two corporate officers, an election to exclude one or both of them can be made by the corporation.

-Senate Intro. 3744-

- Before entering into a contract with the state or a municipal government agency, workers' compensation and disability benefits coverage must be secured.❑

NORTH CAROLINA

The North Carolina state legislature, convening on January 27, continues its 1993 Regular Session.

-Senate Bill 533-

- Requires all licensed physicians and medical facilities, treating an individual with either an occupational injury which occurred while working on a farm, or an occupational disease or illness, to report this information to the Department of Labor.

-Senate Bill 652-

- Provides compensation coverage for cadets of the civil air patrol while on state-approved missions.❑

NORTH DAKOTA

The North Dakota state legislature opened on January 5 and adjourned its 1993 Regular Session on April 24.

-House Bill 1136-

- Pertains to TTD and stipulates that in order for a doctor to certify or verify a past disability, the doctor must have examined the injured worker within the past 60 days and filed the required reports.

-House Bill 1138-

- Allows an employee, employer or medical provider to request for binding dispute resolution if the employee, employer or medical provider disagrees with the recommendation of the managed care administrator.

-House Bill 1163-

- The Bureau is authorized to establish, by administrative rule, "a reasonable maximum hourly rate and minimum fee to compensate claimants' attorneys for legal services following constructive denial, failure to issue an administrative order within 60 days, notice of informal decision, or issuance of an administrative order reducing or denying benefits."

-House Bill 1164-

- Authorizes the Bureau to suspend future benefits of an injured employee who has applied for compensation from another state for the same injury.

-House Bill 1222-

- Permits the Bureau to create a state workers' compensation insurance company. This organization may be a stock or mutual company, a risk pool, a reciprocal exchange, a risk retention or purchasing group, or a reinsurer; its establishment will be based on need.

-House Bill 1262-

- Amends the statute by redefining wages as "an employee's renumeration from all employment reportable by employers to the Internal Revenue Service as earned income for federal income tax purposes and lost as the result of a compensable work injury."

-House Bill 1335-

- Changes the social security offset provision by mandating that an injured employee, spouse or dependent's compensation benefits will be offset against the federal benefit or primary insurance account.

-House Bill 1367-

- Grants a five percent premium discount to the annual premium an employer pays to the Bureau when an employer implements or maintains risk management programs approved by the Bureau.

-House Bill 1491-

- Allows the Bureau to decide when an independent contractor is an employee for purposes of workers' compensation premiums, rather than an independent contractor, the Bureau may not require the employer to pay premiums for that employee retroactive to the date the relationship began. However, if the Bureau determines the employer willfully and intentionally entered the relationship with the purpose of avoiding premium payments, then the employer will be held accountable.

-Senate Bill 2200-

- Seasonal employment is defined as an "occupation that has periods of 45 consecutive days of not receiving wages".
- "Gross Average Weekly Wage" is changed to "Average Weekly Wage".
- When blood alcohol levels or levels of an illegally controlled substance violate set criteria and the employee is injured, that employee may be required to undergo testing. If the employee refuses to submit to testing to determine impairment, the employee forfeits all compensation benefits arising from that injury. Compensation benefits will be reinstated in one year if the employee successfully completes treatment from an accredited addiction facility.
- Binding arbitration may be requested by an aggrieved employee following an administrative order. Binding arbitration is only permitted with the non-requesting party.

-Senate Bill 2396-

- The term employee is redefined and does not apply to board of directors members, not employed in any capacity by the corporation other than as members of the board. Employer includes the president, vice-presidents, secretary or treasurer, but not members of the board of directors who are not also officers.❑

OHIO

The Ohio state legislature continues its 1993 Regular Session. The legislature convened on January 4 and so far only one piece of workers' compensation legislation has been enacted.

-Senate Bill 50-

- Authorizes the administrator of workers' compensation to "waive, by rule, the requirement that an employer's records be certified by a certified public accountant in order for that employer to be granted status as a self-insuring employer."❑

OKLAHOMA

The 1993 Oklahoma state legislature convened it Regular Session on January 5 and adjourned on May 28. One major bill was enacted and the significant aspects of this legislature are summarized below.

-House Bill 1447-

- The Workers' Compensation Court increased from nine to 10 judges.
- The term "employer" shall include a limited liability company. Likewise, "employee" shall include an individual working for a limited liability company.
- All workers' compensation claims shall include a statement saying that the information contained is true and accurate; this statement shall be signed by the claimant. Any claimant willfully signing a false statement shall be guilty of perjury. The same is true for any document or claims filed on behalf of the claimant.
- A person claiming permanent and total disability shall be evaluated as to the practicability of restoration to employment through vocational rehabilitation services or training. If the claimant refuses an evaluation, benefits shall not be awarded during the period of refusal.
- During the participation in a retraining or job placement program for the purposes of evaluating PTD status, the employee is entitled to receive benefits at the same rate as the employee's TTD benefits. Furthermore, the award or deduction of attorney fees shall be withheld during this time.
- For disabilities occurring after the enactment of this bill, the compensation amount shall be 70 percent of the employee's AWW.
- If no benefits are paid to a deceased's dependent or their heir-at-law, $5,000 shall be paid for funeral expenses.
- An individual receiving workers' compensation benefits, who is convicted of a misdemeanor or felony and sentenced to serve a term of incarceration of at least 90 days, shall forfeit their right to receive such benefits.
- An employer desiring to enter into a group self-insurance association must file this intent with the Workers' Compensation Court.
- Every insurance policy shall include a provision for the employer to choose a deductible amount for medical benefits in amounts ranging from $500 to $2,500. The employer is responsible for paying the deductible.
- A 13-member Worker Safety Policy Council is created.
- Re-creates the Workers' Compensation Fraud Unit.
- Workers' compensation fraud is considered a felony and punishable by imprisonment for up to five years or by a fine of not more than $5,000, or both.
- Any insurer who has reason to believe that a person is violating the state's statutes shall report this fact to the Workers' Compensation Fraud Unit.
- Every insurance claim shall contain the following statement: "WARNING: Any person who knowingly, and with the intent to injure, defraud or deceive an insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony."❑

OREGON

The 1993 Regular Session of the Oregon state legislature convened on January 11 and adjourned on August 5. Only one piece of workers' compensation legislation has been enacted.

-House Bill 2359-

The amount of child support obligations subject to enforcement shall not exceed one-fourth of the net proceeds to the worker in a disputed claim settlement.❑

PENNSYLVANIA

The Pennsylvania state legislature continues its 1993 Regular Session which convened on January 5. The changes to the state's workers' compensation system follow.

-Senate Bill 1-

- An executive officer may elect not to be considered an employee of the corporation.

- No compensation will be paid when an injury or death results from intoxication or the use illegal drugs.
- Under this act, it is prohibited for a contractor to subcontract any or all of a contract unless the subcontractor has proof that compensation insurance has been secured.
- Compensation coverage is extended to professional athletes. However, any compensation paid shall be reduced by the after-tax amount of any — "wages payable by the employer during the period of disability under a contract for hire or collective bargaining agreement; payments under a self-insurance or similar plan funded by the employer; or injury protection or other injury benefits payable by the employer."
- The reasonable amount for burial expenses increased from $1,500 to $3,000.
- The Workers' Compensation Advisory Council shall consist of eight members rather than seven.
- Subject to the Commissioner's approval, an insurer may offer, upon request, deductibles to the policyholder for benefits payable.
- Allows employers, with similar business, to pool their liabilities and act as a single fund.
- A Self-Insurance Guaranty Fund is established.❑

RHODE ISLAND

The state legislature in Rhode Island convened its 1993 Regular Session on January 5 and recessed on July 22. The only change to the state's workers' compensation system is cited below.

-Senate Bill 7-

- Relates to the barring of workers' compensation claims. Previously, in order to be sure that an employee did not provide false information as to their ability to perform the functions of the job, without reasonable accommodation, claims were barred from the date the employee began employment, for a period of two years. This bill amends the statute to make it "with or without reasonable accommodations."❑

SOUTH CAROLINA

The South Carolina state legislature continues its 1993 Regular Session which convened January 12.

-House Bill 3356-

- Provides and extends workers' compensation and tort liability coverage and benefits to law enforcement officers who are sent to another municipality.❑

SOUTH DAKOTA

The South Dakota state legislature opened its 1993 Regular Session on January 12 and adjourned on March 23.

-Senate Bill 1-

- An injured worker may choose their own physician, surgeon or hospital services at the employer's expense.
- Lump sum payments to injured workers are authorized when certain criteria are met.
- The maximum amount of compensation an employee is eligible to receive for total disability or death resulting from nondisabling silicosis is 52 times the maximum weekly benefit rate in effect at the time of the disability or death. This change replaces the $2,000 amount.

-Senate Bill 123-

- Amends the workers' compensation statute so that "with consent and approval of the secretary of labor, an employer may pay to the surviving spouse of the deceased, the compensation payable to such spouse and the minor children of the deceased without the necessity of the appointment of a conservator for such minor children."

-Senate Bill 191-

- Changes the current law from allowing compensation benefits to change only if the employee's condition changes, to a recalculation of TTD compensation, including medical and disability payments, if the injured employee's earnings have substantially changed since the time of the injury.

-Senate Bill 307-

- Overtime is now included in the AWW.
- An employee suffering a TPD, who has not received a job offer, is eligible to receive TTD compensation.
- PTD benefits will be offset by social security retirement benefits - offset to the extent that the total benefits received is greater than 150 percent of the PTD benefits.
- In the cases of PTD, lump sum payments are restricted to financial need and payment of fees.
- Limitation on attorneys fees are 25 percent for settlements, 30 percent for cases heard by a court, and 35 percent if the case goes to the Supreme Court; and fees can be paid in lump sum.

-Senate Bill 308-

- After three years, if an injured employee has not sought medical treatment, it is presumed no further care is needed.
- The Department of Labor is no longer required to pay for an impartial physician, insurers and self-insurers now must render payment.
- PTD cases can now be reviewed every five years by the Department of Labor.
- The Department of Labor must establish standards for utilization review.

-Senate Bill 309-

- Institutes a 0.6 percent premium tax on all self-insurers based on a "hypothetical premium", the premium for insurance if it were not authorized to self-insurer. In addition, $10 will be charged to each insurer for each new or renewed workers' compensation policy.

-Senate Bill 310-

- Mandates that insurers conduct safety reviews every three years for insureds with policy premiums $5,000 or above.

-Senate Bill 311-

- Permits employers, employees and insurer to report suspicion of fraud to the Department of Labor. Confidentiality will be maintained and the investigation must be completed within 90 days.❑

TENNESSEE

The Tennessee state legislature convened its 1993 Regular Session on January 12 and adjourned on May 19.

-Senate Bill 16-

- This bill provides that a municipality, its officers and employees are not liable for an injury sustained by a municipal offender, sentenced by the court to perform public service, if "due care" was exercised in supervising such offender. Furthermore, the municipality, its officer and employees are not liable to the offender's family for death or injuries received while the offender is performing public service duties provided the municipality exercised due care in supervising such offender.❑

TEXAS

The Texas state legislature convened its 1993 Regular Session on January 12 and adjourned on May 31. The bills impacting workers' compensation are detailed below.

-House Bill 343-

- Relates to the reporting of injuries and mandates that injuries to the spinal cord and submersion injuries must be reported to the Department of Public Health.

-House Bill 456-

- Relates to employee leasing companies and provides an election for licensees to obtain compensation coverage in the same manner as other employees.

-Senate Bill 97-

- The amount payable to the surviving spouse of a public servant, covered under this bill and whose death results as a course of duty, increased from $20,000 to $50,000. If such public servant is survived by no spouse or dependents, the parent of the deceased shall receive $50,000; if both parents are surviving each shall receive $25,000.

-Senate Bill 936-

- Permits leave policy benefits and temporary income benefits due from workers' compensation to be coordinated for school employees injured by assault.❑

UTAH

In Utah, the state legislature convened its 1993 Regular Session on January 18 and adjourned on March 3. Below is a brief synopsis of the changes to the state's workers' compensation.

-House Bill 8-

- Eliminates the clause in the workers' compensation law which differentiates between an alien and resident dependent of deceased workers.

-House Bill 200-

- Mandates that a client company in a leasing agreement is considered the employer and must secure workers' compensation benefits for the leased employees.

-House Bill 249-

- Provides protection for any individual, employer, insurer or governmental entity that reports a suspicion of fraud as it pertains to insurance policy or claims from any civil liability for libel, slander or any other relevant cause of action.

-House Bill 267-

- Limits the state's responsibility for providing workers' compensation for offenders in work programs — an offender in a work program is not considered an employee, worker, workman, or operative, except as required by federal statute or regulation.

-Senate Bill 75-

- Allows the Workers' Compensation Fund to provide insurance to employers when they are operating out of the state.

-Senate Bill 161-

- Qualifies members of the National Guard, while on active state duty, to receive the workers' compensation benefits.❑

VERMONT

The Vermont state legislature opened its 1993 Regular Session on January 6 and adjourned on May 16.

-House Bill 394-

- This bill adopts measures that require inmates "at a correctional facility, or any community service or public works activity or vocational training" receive compensation to what a similarly injured employee would receive. Due compensation shall be paid in periodic installments or in a lump sum.❑

VIRGINIA

The Virginia state legislature convened its 1993 Regular Session on January 13 and adjourned on February 27. The changes to the state's workers' compensation system are outlined below.

-House Bill 1775-

- Increases the civil penalties against employers who violate certain reporting provisions of the Workers' Compensation Act. The minimum civil penalty increases from $50 to $500; the maximum civil penalty increases from $1,000 to $5,000. In the cases of an employers' failure to report, a civil penalty of not more than $500 for each violation will be assessed. If the Workers' Compensation Commission determines the violation is a willful one, a civil penalty of not less than $500 and not more than $5,000 will be assessed.

-House Bill 1805-

- Stipulates that if the Workers' Compensation Commission, after an investigation of a claim, determines that the employer failed to comply with the specified provisions of the law, or that a self-insured employer or its surety is unable to satisfy an award and the claim is compensable, a provisional award will be paid from the Uninsured Employers' Fund.

-Senate Bill 657-

- Amends the Workers' Compensation Act to extend coverage to include volunteer fire companies and volunteer lifesaving or rescue squads.

-Senate Bill 908-

- The bill clarifies the following terms: classification system is the "plan, system or arrangement for grouping risks with similar characteristics or a specified class of risk by recognizing differences in exposure to hazards"; experience rating is "a statistical procedure utilizing past risk experience to produce a prospective premium credit, debit or unity modification"; and statistical plan is "a plan, system or arrangement used in collecting data for rate making or other purposes."
- This act also requires the use of the uniform classification system, uniform experience rating plan, and uniform statistical plan for each member of a rate service organization. This also applies for every insurer; an insurer, however, can create subclassifications of the uniform classification system, but this must be filed with and approved by the commission.
- Prospective loss costs and supplementary rate information for insurance must comply with specified provisions in order to be used by an insurer for filing, establishing or changing rates.
- Until a prospective loss cost or supplementary rate information has been approved by the commission, it cannot be used or applied.
- Participation in the Virginia Workers' Compensation Insurance Plan for all licensed insurers writing workers' compensation insurance is required.

-Senate Bill 929-

- It is unlawful for any person to knowingly make any materially false or fraudulent representation in connection with a workers' compensation claim. It is also unlawful for any person to aid or abet another in a knowingly materially false or fraudulent representation of a workers' compensation claim; this violation constitutes a misdemeanor.

-House Bill 2045-

- Stipulates that "a claim for workers' compensation benefits shall be deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an off-duty capacity or outside an assigned shift or work location, undertakes any law-enforcement or rescue activity."❑

WASHINGTON

In Washington, the 1993 Regular Session of the state legislature convened on January 11 and adjourned on April 25.

-House Bill 1033-

- Requires inmates, in a free venture industry, be considered employees of that industry, and are therefore eligible for industrial insurance benefits. Benefits, however for the inmate or their dependents or beneficiaries for TTD or PTD, shall not take effect until the inmate is discharged. The eligibility of industrial insurance benefits does not apply to inmates who are employed in a nonfree venture industry.

-House Bill 1244-

- Stipulates that self-insurers must compensate an employee the amount equal to their wages for lost time from work while attending a medical examination. This also applies for an employee insured by the Department.

-House Bill 1246-

- Requires TTD payments to continue until the physician releases the employee for work and the employee actually begins work with the employer of the injury.

-House Bill 1248-

- When applicable, the SAMW will be computed as follows: after June 30, 1993, the new percentage will be 105; after June 30, 1994, the new percentage will be 110; after June 30, 1995, the new percentage will be 115; and after June 30, 1996, the new percentage will be 120.

-House Bill 1249-

- Awards for PPD will be raised as follows: beginning on July 1, 1993, the compensation amounts for specified disabilities shall be increased by 32 percent. Beginning July 1, 1994 and each July 1 thereafter, the compensation amounts for specified disabilities shall be readjusted to reflect the percentage change in the consumer price index. Beginning on July 1, 1993, the amount payable for total bodily impairment shall be increased to $118,800.

-House Bill 1264-

- This bill provides that attorney's fees shall be divided proportionately among the injured employee or beneficiary and the department and/or self-insurer, provided that the department and/or self-insurer may require court approval of such fees or may petition the court for a determination of the reasonableness of such fees.

-House Bill 1454-

- Clarifies what is meant by "acting in the course of employment" by adding the following language: "The term does not include time spent going to or coming from the employer's place of business in commuter ride sharing, notwithstanding any participation by the employer in the ride-sharing arrangement; or on a public transport system using a pass provided in whole or part by the employer."

-Senate Bill 5503-

- Claims for injuries occurring on or after the date this act goes into effect, will receive an amount equal to 80 percent of the difference between the employee's actual wages and earning power at the time of the injury. However, the total payments and the employee's present wages may not exceed 150 percent of the SAMW; and the payments may not exceed 100 percent of the entitlement.

-Senate Bill 5736-

- Mandates that chiropractic treatment, when appropriate, be available to an injured worker. The department may require an injured worker to undergo a chiropractic examination to assist with the closure of a claim.❑

WEST VIRGINIA

The West Virginia state legislature opened its 1993 Regular Session on January 13 and adjourned on April 24. Changes to the state's workers' compensation system are cited below.

-House Bill 2802-

This bill includes but is not limited to the following:

- Creates a nine-member, governor appointed, Compensation Programs Performance Council.
- Any individual, firm, or corporation who knowingly fails to subscribe to the Fund or knowingly fails to make any report will be guilty of a felony and subject to a penalty of not less than $1,000 and not more than $10,000.
- With or without the consent of an employer, the Commissioner may inspect or investigate into the hazards of a workplace.
- While in the penitentiary or jail, compensation benefits, injuries or diseases resulting from work imposed by the administration will not be awarded.
- Nonphysical diseases and injuries are not compensable (pertains to mental-mental claims).
- Any health care provider, knowingly charging more than the maximum amount established by the schedule of maximum reasonable amounts payable for services, is guilty of a felony.
- Any individual knowingly attempting to secure from the Fund or a self-insured employer, a greater compensation than is due, is guilty of a felony.
- Individuals are no longer granted an automatic PTD award solely because they accumulate 85 percent in PPD awards.
- The Commissioner may reopen PTD awards for reevaluation of the nature of the disability and possible award modification. Reopenings are limited to no sooner than every two years and limits the reevaluation to two times.
- Authorized offsets include: 50 percent of full social security retirement; after tax amount of self-insurance, wage continuation or disability insurance policy, if an employee did not contribute; and proportionate amount of employer's contribution to disability insurance plan. Offset cannot reduce compensation below the minimum benefit rate.

- PTD shall not be awarded to an individual who has terminated active employment and are receiving social security full old-age retirement benefits.
- PTD payments shall be reduced when an injured employee earns wages during the time when benefits are being paid.
- Amends the time from 60 days to "within a reasonable time" that the Commissioner must give notice of a refusal to reopen a claim.

-Senate Bill 53-

- Law enforcement officers, when assigned to another agency or to a multijurisdictional task force, shall be provided compensation coverage.❑

Wisconsin

The Wisconsin state legislature, convening on January 13, continues its 1993 Regular Session. Thus far, no legislation pertaining to workers' compensation has been enacted.❑

Wyoming

In Wyoming, the 1993 Regular Session of the state legislature convened on January 12 and adjourned on March 5.

-House Bill 33-

- Brings workers' compensation fraud under the criminal fraud statutes and increases the penalties for such fraud. The following willful intentions are considered fraudulent offenses against workers' compensation: misrepresentation or false statement by an individual, false statement by an employer in the payroll report, and failure to establish an account or payroll report as required by law. These acts are considered a felony and punishable by a fine of no more than $10,000 or imprisonment for no more than 10 years, or both, if the value of the payment is $500 or more.

-House Bill 165-

- Nonresident employers are required to post bond when they anticipate paying wages and workers' compensation over $10,000 monthly or $120,000 annually.

-Senate Bill 101-

- Expands workers' compensation coverage to probationers and parolees who are performing work pursuant to a court order.
- Based on the cost of specific workers' compensation employment categories, volunteers will now be paid for monthly active service.

-Senate Bill 183-

- Creates an 11-member Medical Commission to hear contested cases pertaining to disputed percentage ratings of PPD benefits and PTD benefits.❑

INCOME BENEFITS FOR TOTAL DISABILITY -- JULY 1993

SUPPLEMENT TO CHART VI FROM THE
1993 ANALYSIS OF WORKERS' COMPENSATION LAWS

STATE	PERCENTAGE OF WAGE	MAXIMUM WEEKLY PAYMENT	RATE	MAXIMUM WEEKLY PAYMENT	RATE	TIME LIMIT
Alabama	66-2/3	$419.00	100% SAWW	$115.00 (1)	27.5% SAWW (1)	Disability
Colorado	66-2/3	432.25	91% SAWW			TT - Disability; PT - Life
Delaware	66-2/3	339.29	66-2/3% SAWW	113.10 (1)	33-1/3% of maximum	Disability
Idaho	67	351.00	90% SAWW	175.50	45% SAWW	Disability
Illinois	66-2/3	711.04	133-1/3% SAWW	TT - 100.90; PT - 266.64	PT - 50% SAWW	TT - Disability; PT - Life
Indiana	66-2/3	394.00		75.00 (1)		500 weeks
Iowa	80% of spendable earnings	797.00	200% SAWW	0.92		Disability
Kansas	66-2/3	313.00	75% SAWW	25.00		Disability
Minnesota*	66-2/3	481.95	105% SAWW		Actual or 2/3 x AWW	TT - 90 days after maximum medical improvement or end retraining
Mississippi	66-2/3	235.84	66-2/3% SAWW	25.00		450 weeks
Missouri*	66-2/3	470.06	105% SAWW	40.00		TT - 400 weeks: PT - Life
Montana	66-2/3	362.00	100% SAWW			Disability
Nevada	66-2/3	434.21	150% SAWW			TT - Disability; PT- Life
New Hampshire	66-2/3	709.50	150% SAWW	189.20	40% SAWW (1)	Disability
North Dakota	66-2/3	358.00	100% SAWW	215.00 (1)	60% SAWW (1)	Disability
Oregon	66-2/3	478.95	100% SAWW	50.00		Disability
Rhode Island*	75% of spendable income	463.00	100% SAWW			Disability
South Dakota	66-2/3	338.00	100% SAWW	169.00 (1)	50% SAWW (1)	TT - Disability; PT - Life
Tennessee	66-2/3	355.97	82.4% SAWW	64.80		TT - Disability; PT - 100% until age 65
Texas*	70	464.00	100% SAWW	70.00	15% SAWW	TT - 104 weeks; PT - 401 weeks
Utah	66-2/3	TT - 413.00 PT - 351.00	TT - 100% SAWW PT - 85% SAWW	45.00 (1)		TT - 312 weeks; PT - Life
Vermont	66-2/3	644.00	150% SAWW	215.00 (1)	50% SAWW (1)	Disability
Virginia	66-2/3	451.00	100% SAWW	112.75	25% SAWW (1)	TT - 500 weeks; PT - Disability
Washington	60 - 75% based on conjugal status	517.16	105% SAWW	46.25 (1)		
West Virginia	70	420.33	100% SAWW	140.11	33-1/3% SAWW	TT - 208 weeks; PT - Life
Wyoming	TT - 66-2/3 or SAMW	TT - 437.00 PT - 291.00 plus dependents	TT - 66-2/3% or up to SAMW; PT - 66-2/3% SAMW	PT- 291.00	PT - 66-2/3% SAMW	TT - Disability; PT - Life

(1) Actual weekly wage, if less.

MN *Increase in maximum effective October 1.
MO *Increase in maximum effective August 28.
RI *Increase in maximum effective September 1.
TX *Increase in maximum effective September 1.

INCOME BENEFITS FOR SCHEDULED INJURIES -- JULY 1993

SUPPLEMENT TO CHART VII FROM THE

1993 ANALYSIS OF WORKERS' COMPENSATION LAWS

STATE	ARM AT SHOULDER	HAND	THUMB	FIRST FINGER	SECOND FINGER	THIRD FINGER	FOURTH FINGER	LEG AT HIP	FOOT	GREAT TOE	OTHER TOES	ONE EYE	HEARING ONE EAR	HEARING BOTH EARS
Alabama	$48,840	$37,400	$13,640	$9,460	$6,820	$4,840	$3,520	$44,000	$30,580	$7,040	$2,420	$27,280	$11,660	$35,860
Colorado	31,200	15,600	7,500	3,900	2,700	1,650	1,950	31,200	15,600	3,900	1,650	20,850	5,250	20,850
Delaware	84,822	74,644	25,446	16,965	13,572	10,179	6,785	84,822	74,644	13,571	5,089	74,644	25,447	59,375
Idaho	64,350	57,915	23,595	15,015	11,797	5,362	3,217	42,900	30,030	9,009	1,501	32,175	--	37,537
Illinois*	213,312	135,097	49,772	28,441	24,886	17,776	14,220	195,536	110,211	24,886	14,220	113,786	18,568	74,272
Indiana	48,000	34,000	6,000	4,000	3,500	3,000	2,000	41,000	27,000	6,400	3,000	27,000	8,500	34,000
Iowa	183,250	139,270	43,980	25,655	21,990	18,325	14,660	161,260	109,950	29,320	10,995	102,620	36,650	128,275
Kansas	65,730	46,950	18,780	11,581	9,390	6,260	4,695	62,600	39,125	9,390	3,130	37,560	9,390	34,430
Minnesota	Paid per two-tier schedule according to degree of whole body impairment.													
Mississippi	47,168	35,376	14,150	8,254	7,075	4,716	3,537	41,272	29,480	6,815	2,272	22,718	9,087	34,077
Missouri*	57,123	43,088	14,773	11,079	8,617	8,617	5,416	50,967	36,933	9,848	3,447	34,470	10,833	41,364
Montana	No schedule. Benefits paid according to degree of impairment, age, education, wage loss, and physical loss.													
Nevada	No schedule. Degree of disability determined in relation to whole man.													
New Hampshire	148,995	134,095	53,922	33,346	26,961	13,480	6,385	99,330	69,531	12,771	2,128	59,598	21,285	87,268
North Dakota	30,000	24,000	7,800	4,800	3,600	2,400	1,920	28,080	18,000	3,600	1,440	18,000	6,000	24,000
Oregon	63,631	49,712	15,908	7,954	7,291	3,314	1,988	49,712	44,740	5,965	1,326	33,141	19,885	63,631
Rhode Island	28,080	21,960	6,750	4,150	2,700	2,250	1,800	28,080	18,450	3,420	900	14,400	5,400	18,000
South Dakota	67,600	50,700	16,900	11,830	10,140	6,760	5,070	54,080	42,250	10,140	3,380	50,700	16,900	50,700
Tennessee	71,194	53,395	21,358	12,458	10,679	7,119	5,339	71,194	44,496	10,679	3,559	35,597	26,697	53,395
Texas	No schedule. Benefits paid according to degree of impairment.													
Utah	51,425	46,200	18,425	11,550	9,350	4,675	2,200	34,375	24,200	7,150	1,100	33,000	4,879	27,500
Vermont	138,460	112,700	32,200	20,608	16,100	12,880	7,728	138,460	112,700	16,100	6,400	80,500	33,488	138,460
Virginia	86,800	65,100	26,040	15,190	13,020	8,680	6,510	79,950	54,250	13,020	4,340	43,400	21,700	43,400
Washington	71,280	64,152	25,660	16,038	12,830	6,415	3,207	71,280	48,896	14,968	5,464	28,512	9,504	57,024
West Virginia	67,253	56,044	22,418	11,209	7,846	5,604	5,604	67,253	39,231	11,209	4,484	36,989	25,220	61,648
Wyoming	44,187	36,612	13,887	8,837	5,050	5,050	5,050	40,400	30,300	6,312	2,525	30,300	15,150	30,300

IL *Amputation of a member and enucleation of eye are subject to maximum of 133/1/3 percent of the SAWW. Other scheduled injuries subject to PPD maximum of $371.36 from 7/1/92 through 6/30/93. The PPD maximum for the period of 7/1/93 through 6/30/94 is unavailable until 12/1/93 and will be effective retroactively for the period of 7/1/93 through 6/30/94.
Loss of hearing of one ear is 50 weeks under the Workers' Compensation Act and 100 weeks under the Workers' Occupational Diseases Acts. Total and permanent loss of hearing for both ears is 200 weeks under both acts.

MO *Increase in maximum effective August 28.

FATALITIES -- BENEFITS FOR SPOUSE AND CHILDREN -- JULY 1993

SUPPLEMENT TO CHART VIII FROM THE

1993 ANALYSIS OF WORKERS' COMPENSATION LAWS

STATE	MAXIMUM WEEKLY PAYMENT SPOUSE PLUS CHILDREN	MAXIMUM WEEKLY PAYMENT PAYMENT SPOUSE ONLY	MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	MAXIMUM BURIAL ALLOWANCE
Alabama	$419.00 *	$419.00 *	$115.00	500 weeks	$3,000 **
Colorado	432.25 *	432.25 *	108.06 *	(1,2, **)	4,000
Delaware	407.15	339.29	113.10 *	(1,2)	3,500 **
Idaho	234.23 *	175.50 *	175.50 *	500 weeks	6,000 (1)
Illinois	711.04 *	711.04 *	266.64 *	20 years (1,2, **)	4,200
Indiana	394.00	394.00	75.00 (1)	500 weeks (2, 3)	6,000
Iowa	797.00 *	797.00 *	0.92 *	(1,2)	5,000
Kansas	313.00 *	313.00 *	25.00	(1,2)	3,300
Minnesota*	2/3 x AWW up to 481.95	50% x AWW up to 481.95	50% x AWW	10 years (1,**)	7,500
Mississippi	235.84	235.84		450 weeks (1)	2,000
Missouri*	470.06 **	470.06 **	40.00	(1,2)	5,000
Montana	362.00 *	362.00 *	181.00 *	500 weeks (1)	1,400
Nevada	434.21 *	434.21		(1,2)	5,000
New Hampshire	709.50 *	709.50 *	189.20 *	(1, **)	5,000
North Dakota	210.00 *	210.00	105.00	(**)	2,500
Oregon	638.58 *	319.31 *	319.31 *	(1,2)	3,000
Rhode Island*	**	463.00 **		(1,2)	5,000
South Dakota	*	338.00 *	169.00 *	(1,2)	3,000
Tennessee	355.97 *	355.97 *	64.80 *	(1,2)	4,500
Texas*	464.00 **	464.00 **	70.00	(1,2)	2,500 (3)
Utah	351.00 *	351.00 *	45.00 (1)	(2, **)	4,000 ***
Vermont	644.00 *	644.00 *	215.00 *	(1, **)	2,000
Virginia	451.00 *	451.00 *	112.75 *	500 weeks (1)	5,000 (2,**)
Washington	517.16 *	517.16 *	46.25	(1,2)	2,000
West Virginia	420.33 *	420.33 *	140.11 *	(1)	3,500
Wyoming	*	291.34	291.34	(*)	1,800 **

Footnotes (Supplement To Chart VIII):

AL Maximum is 100 percent of the SAWW; minimum is 27-1/2 of the SAWW, actual wage if less. In cases of remarriage by widow, any unpaid compensation is distributed to dependents, or any suitable person, based on court approval. Payment discharges employer from any further liability.
$7,500 payment made to an estate of a deceased worker who had no dependents.

CO Maximum is 91 percent of the SAWW; minimum is 25 percent of maximum for fatalities.
To child age 18; if student, to age 21.
To spouse for life; two years' lump sum upon remarriage (but only if no children) or balance of compensation if less.
Social Security offset.

DE Maximum is 80 percent of the SAWW for spouse and children, 66-2/3 percent of the SAWW for spouse only. Minimum for spouse only is 1/3 of maximum.
To child age 25.
To spouse for life; two years' lump sum upon remarriage or balance or compensation if less.
Additional burial allowance payable on Board approval.

ID Death benefit is fixed at 45 percent of the SAWW for spouse plus five percent of the SAWW per dependent child up to three; 30 percent of the SAWW for one child if no dependent spouse.
Additional allowance for transportation of body.

IL Maximum is 133-1/3 percent of the SAWW; minimum is 50 percent of the SAWW.
To child age 25, 18 if not in school.
To spouse for life; two years' lump sum upon remarriage, but only if no children or balance or compensation if less. However, lump sum is paid upon remarriage only if there were no children at time of death.
Benefits are $250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to at least six years' benefits.

IN Actual wage if less.
To child age 18, if student, to age 21.
To spouse for life; two years' lump sum upon remarriage (but only if no children) or balance of compensation if less.

IA Maximum is 200 percent of the SAWW; minimum is based on a gross weekly wage of $1.00.
To child age 25.
To spouse for life; two years' lump sum upon remarriage (but only if no children) or balance or compensation if less.

KS Maximum is 75 percent of the SAWW.
To child age 23.
To spouse for life; cash lump sum on remarriage; 100 weeks or balance if less.

MN Increase in maximum effective October 1.
After youngest child no longer dependent - up to 25 years of age if full time student.
Government survivors' benefits offset. During dependency of children; then 10 years' benefits.

MS To child age 18, unless child is dependent and regularly enrolled in school, in which case to age 23, or unless child over 18 is wholly dependent and incapable of self-support by reason of mental or physical disability.

MO Increase in maximum effective August 28.
Maximum is 105 percent of the SAWW. Amount awarded reflects maximum potential entitlement, taking into consideration an injury/illness of maximum PPD, and a maximum PPD compensation rate of $246.22.
To child age 18, unless physically or mentally incapacitated from wage earning. Four years benefits payable to child in attendance and remains as a full-time student in any accredited educational institution; and four years benefits payable to child who is a memeber of the armed forces of the United States on active duty. Eight years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.
To spouse for life; two years' lump sum upon remarriage or balance of compensation if less.

MT Maximum is 100 percent of the SAWW; minimum is 50 percent of the SAWW, actual wage if less.
To child age 22.

NV Maximum is 100 percent of the SAWW.
To child age 22.
To spouse for life; two years' lump sum upon remarriage or balance or compensation if less.

NH Maximum is 150 percent of the SAWW, minimum is gross SAWW, but not to exceed after-tax earnings.
To child age 25.
On remarriage, the unpaid balance otherwise due is payable to parent or guardian for the children's benefit.

ND Plus $10 per dependent.
To age 18 or to age 22 if in school. To spouse for life; two years' lump sum upon remarriage or balance or compensation, if less.

OR Monthly spousal benefits is fixed at 66-2/3 percent of the SAWW times 4.35; spouse with no children ($1,389.02 for 1993-94) and fixed at 50 percent of the SAWW times 4.35; spouse with children ($1,041.72 for 1993-94), up to monthly maximam; maximum is 133-1/3 percent of the SAWW times 4.35 ($2,777.84 for 1993-94). Upon remarriage, surviving spouse receives 24 times the monthly benefit in lump sum final payment.
To child age 18 and up to age 23 while full time student.
To spouse for life; cash lump sum on remarriage, 24 times monthly benefit.

RI Increase in maximum effective September 1.
Maximum is 100 percent of the SAWW plus $20 per dependent child. Annual cost of living increase of four percent on anniversary.
To child age 23.
To Spouse for life; compensation or remarriage.

SD Maximum is 100 percent of the SAWW, minimum is 50 percent of the SAWW, actual wage if less. Additional $50 monthly is payable for each dependent child through age 18.
To child age 22.
To spouse for life; two years' lump sum upon remarriage or balance or compensation if less.

TN For injuries occuring on or after 7/1/93.
To child age 22.
To Spouse for life.

TX Increase in maximum effective September 1.
Maximum is 100 percent of the SAWW, minimum is 15 percent of the SAWW.
To child age 25.
To spouse for life; two years' lump sum upon remarriage or balance or compensation if less.
Additional allowance for transportation of body; no maximum except not to exceed usual cost of otherwise transporting body from place of death back to place of work.

UT Additional allowance for dependents is $5 for spouse plus $5 for dependent child (up to four). Maximum (including dependents' allowance) is 85 percent of the SAWW.
Actual wage if less.
To child age 18.
After 312 weeks, payments continue only after annual review. Receives same payment minus 50 percent Social Security payment. Upon remarriage, spouse receives 52 weeks compensation in lump sum or balance of award, whichever is less.

'''$4,000 burial allowance applicable in normal cases; additional amounts may be requested.

VT'Maximum is 150 percent of the SAWW; minimum is 50 percent of the SAWW, actual wage if less.
'For a child -- no age limit.
''To spouse until age 62 or when entitled to Social Security; balance of 330 weeks, if any, is payable on remarriage.

VA'Maximum is 100 percent of the SAWW; minimum is 25 percent of the SAWW, actual wage if less.
'To child age 23.
'Additional allowance for transportation of body of $500.
''Parents, in destitute circumstances, of killed employee entitled to receive benefits if decease employee has no other dependents.

WA'Maximum monthly benefit is 105 percent of the SAMW. For injuries or fatalities occurring on or after July 28, 1991, 24 times the monthly compensation rate at the time of remarriage or 50 percent of the remaining annuity value of the pension, whichever is lesser. If the injury or fatality occurred prior to July 28, 1991, the remarriage benefit lump sum is to be provided according to the remarriage benefit schedule then in effect.
'To child age 23.
''To spouse for life; cash lump sum on remarriage.

WV'Maximum is 100 percent of the SAWW; minimum is 33-1/3 percent of the SAWW.
'To child age 25.

WY'Monthly benefit is fixed at 66-2/3 percent SAMW (SAMW=$1,893.67) plus $100 monthly per child until age 19 (21 if invalid or emancipated). After 60 months, hearing examiner may continue payments at 33-1/3 percent of the SAMW for 12 months and may be renewed.
''Employer may make other arrangements.

Abbreviations Used In The Annual Supplement

AWW — Average Weekly Wage

PPD — Permanent Partial Disability

PTD — Permanent Total Disability

TPD — Temporary Partial Disability

TTD — Temporary Total Disability

SAMW — State Average Monthly Wage

SAWW — State Average Weekly Wage

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